

# Agenda

Lord Howe Island Board



Lord Howe  
ISLAND BOARD

<b>Meeting</b>	<b>Board Meeting December 2022</b>
<b>Location</b>	Lord Howe Island Community Hall
<b>Date/Time</b>	Tuesday 6 <sup>th</sup> December 2.30pm – Closed Session, followed by dinner Wednesday 7 <sup>th</sup> December 9.00 am – Open Session
<b>Chairperson</b>	<b>Atticus Fleming AM</b> , A/Coordinator General, DPE
<b>Board Members</b>	<b>Bruce Baird AM</b> , Appointed Member (Tourism) <b>Chris Bath</b> , Appointed Member (Conservation) <b>Gary Crombie</b> , Elected Member <b>James Lonergan</b> , Elected Member <b>Matthew Retmock</b> , Elected Member <b>Therese Turner</b> , Elected Member (Deputy Chair)
<b>Attendees</b>	<b>Suzie Christensen</b> , Chief Executive Officer <b>Darcelle Matassoni</b> , Acting Senior Manager, Environment and Community Services <b>Debbie Johnsen</b> , Senior Manager, Business and Corporate Services
<b>Minutes</b>	<b>Belinda Panckhurst</b> , Administration Officer

## Tuesday 6 December 2022 Agenda Items – Closed Session

<b>2.30pm</b>	<b>In-Camera Session</b>		Board members only
<b>3.30pm</b>	<b>1. CONFLICT OF INTEREST DECLARATIONS</b>		Presenter: A Fleming
	<b>2. WH&amp;S AND RISK MANAGEMENT</b> 2.1. WH&S and Risk Management Update	Note	Preparer: J Spivey Presenter: S Christensen
	<b>3. FINANCE AND BUSINESS MANAGEMENT</b> 3.1. Financial Status Update 3.2. Increase to Purchasing Card Limit 3.3. Financial Support for the LHI Tourism Association	Note Decide Note	Presenter: D Johnsen Presenter: D Johnsen Presenter: S Christensen
	<b>4. OPERATIONS AND SERVICES</b> 4.1. Marine Freight Renegotiation - update 4.2. Long term Marine strategy – update <b>Attachment A:</b> LHI Marine Freight Service Study <b>Attachment B:</b> Procurement Strategy	Note Note	Presenter: Rose Ung Presenter: Rose Ung, APP
	<b>5. LEASING AND LAND ADMINISTRATION</b> 5.1. Proposal for 6 dwelling allocations <b>Attachment A:</b> Dwelling Allocation Policy – May 2010 <b>Attachment B:</b> Land Release Strategy 2005-2025 <b>Attachment C:</b> Eligibility Criteria for an Application under Category A 5.2. Suspend of residency – Nathan Thompson <b>Attachment A:</b> Form 1 and Supporting Documentation	Decide     Decide	Presenter: D Matassoni     Presenter: D Matassoni

# Agenda

Lord Howe Island Board



Lord Howe  
ISLAND BOARD

## Tuesday 6 December 2022 Agenda Items – Closed Session

	<b>5.3. Fletcher Owens Land Swap</b> <b>Attachment A:</b> Owens Memorandum of Understanding <b>Attachment B:</b> OLG Legal Advice Correspondence <b>Attachment C:</b> Business Paper 12 (iv) May 2022	Decide	Presenter: D Matassoni
6.00pm	Close		
6:30pm	Dinner		

## Wednesday 7 December 2022 Agenda Items – Open Session

9.00am	<b>6. MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION</b> <b>Attachment A:</b> Board Meeting Minutes May 2022 – Closed	Note	Prepared: B Panckhurst Presenter: S Christensen
	<b>7. OUT OF SESSION MATTERS STATUS REPORT</b> <b>Attachment A:</b> Out of Session Result Summary	Note	Prepared: B Panckhurst Presenter: S Christensen
	<b>8. ACTIONS FROM PREVIOUS MEETING STATUS REPORT</b> <b>Attachment A:</b> Action Sheet from Previous Board Meetings	Note	Presenter: S Christensen
	<b>9. CHIEF EXECUTIVE OFFICER'S REPORT</b> <b>Attachment A:</b> Infrastructure & Engineering Services <b>Attachment B:</b> Environment & Community Services <b>Attachment C:</b> Biosecurity Compliance <b>Attachment D:</b> People Matter Survey Report Overview	Note	Presenter: S Christensen
	<b>10. FINANCE AND BUSINESS MANAGEMENT</b> <b>10.1.</b> Financial Status Update (Note: Verbal update only)	Note	Presenter: D Johnsen
10.00am	MORNING TEA		
10.30am	<b>11. DEVELOPMENT APPLICATIONS</b> <b>11.1.</b> Owner Consent Approved Under Delegated Authority Status Report <b>11.2.</b> Development Applications Approved Under Delegated Authority Status Report	Note Note	Preparer: L Shick Presenter: D Matassoni Preparer: L Shick Presenter: D Matassoni
	<b>12. POLICY AND STRATEGY</b> <b>12.1.</b> Motor Vehicle Importation or Transfer Status Report  <b>12.2.</b> Transport for NSW Maritime – Vehicle policy request <b>Attachment A:</b> Infrastructure & Engineering Services <b>Attachment B:</b> Environment & Community Services <b>Attachment C:</b> Biosecurity Compliance <b>Attachment D:</b> People Matter Survey Report Overview	Note Decide	Preparer: L Shick Presenter: S Christensen Preparer: L Shick Presenter: S Christensen



## Wednesday 7 December 2022 Agenda Items – Open Session

	<p><b>12.3. Pesticide Use Notification Plan</b>  <b>Attachment A:</b> Householder Review of Pesticide Plan  <b>Attachment B:</b> Draft Pesticide Use Notification Plan</p>	Decide	Presenter: D Matassoni
	<p><b>13. LEASING AND LAND ADMINISTRATION</b></p> <p><b>13.1.</b> Review of Compliance with Residency Condition on Perpetual Leases  <b>Attachment A:</b> Review of Compliance with Residency Condition on Perpetual Leases – Closed</p> <p><b>13.2.</b> Application to transfer PL1954.47 by way of sale from Estate of Daphne Simpson to Rebecca Moran and Timothy Solomon</p> <p><b>13.3.</b> Transfer of two tourist accommodation licences – Ocean View – Kevin Wilson to Ian Hutton  <b>Attachment A:</b> Letter – Transfer two tourist accommodation licences from Kevin Wilson  <b>Attachment B:</b> Letter – Transfer two tourist accommodation licences to Ian Hutton</p> <p><b>13.4.</b> Transfer of four tourist accommodation licences – Lagoon Landing – Lisa Makiiti &amp; Rod Oxley to Kylie Owens and Rahnne Owens  <b>Attachment A:</b> Letter – Transfer two tourist accommodation licences from Kevin Wilson</p> <p><b>13.5.</b> Transfer of 12 tourist accommodation licences – Lorhiti - from Diane Owens to Diane Owens / Jessie Owens / Fletcher Owens  <b>Attachment A:</b> Application Transfer 12 public accommodation licences from D Owens  <b>Attachment B:</b> Request for approval for F Owens to operate 2 public accommodation licences for D Owens</p>	Note  Decide  Decide  Decide  Decide	Presenter: D Matassoni  Presenter: D Matassoni  Presenter: D Matassoni  Presenter: D Matassoni  Presenter: D Matassoni
	<p><b>14. BUSINESS ARISING FROM PREVIOUS MEETING</b></p> <p><b>14.1.</b> Application for Owners Consent – Telstra Mobile Phone microcell  <b>Attachment A:</b> Mobile Phone Consultation Summary  <b>Attachment B:</b> Mobile Phone Consultation Data – Closed  <b>Attachment C:</b> Mobile Phone Submissions – Closed  <b>Attachment D:</b> Copy of Mobile Phone Survey Monkey</p>	Decide	Presenter: S Christensen
	<b>15. GENERAL BUSINESS AND QUESTIONS ON NOTICE</b>		
1.00pm	<b>CLOSE</b>		
	<b>NEXT MEETING</b> 28 <sup>th</sup> February 2023 and 1 <sup>st</sup> March 2023		

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Adoption of minutes of previous meeting.

#### Recommendations

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1. **Endorse** the September 2022 board meeting minutes.

#### Current position

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##### Process for Distribution of Board Meeting Minutes

The Board updated the adopted process for distributing Board minutes at the March 2022 Board meeting as follows:

- Draft minutes will be produced within five working days of a Board meeting, and distributed to Board members on the sixth working day, unless delayed for a valid reason agreed to between the Chief Executive Officer and the Chairperson.
- Board members are to return their endorsement, or otherwise, of minutes in writing no later than 10 working days after date of posting distribution.
- 10 working days after date of posting distribution, the Board will deem the minutes of the meeting to be endorsed, subject to any amendments which were received prior to that date, and agreed for inclusion by the Chairperson.

##### Endorsement of Board Meeting Minutes

Minutes of the September 2022 meeting were distributed to each Board member and were endorsed as per the above process.

Requested amendments were made, and sent to the Chairperson.

A copy of the amended draft minutes is attached.

## Attachments

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Attachment	Title
A	Board Meeting Minutes – September 2022 – CLOSED

## Approval and contact

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Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Belinda Panckhurst	Administration Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Out of Session matters status report.

#### Recommendations

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1. **Note** the information provided in this report.

#### Current position

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Since the last Board Meeting in September 2022, four matters were considered out of session with two matters being closed items.

Results of the 'Out of Session' papers since the last Board meeting are shown on the attached result summary sheet.

#### Attachments

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Attachment	Title
A	Result Summary Sheet – <b>CLOSED</b>

#### Approval and contact

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<b>Approver</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Belinda Panckhurst	Administration Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Actions from previous meeting – status report.

#### Recommendations

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1. **Note** the information provided in this report.

#### Current position

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As a matter of process and procedure, a list of actions is prepared after each Board meeting to ensure that the Board's resolutions are systematically carried out by staff. Those actions reported as complete are deleted from the Action List at the subsequent Board meeting.

A list of actions from decisions of the September 2022 Board meeting, and previous meetings, is attached for the Board's information.

#### Attachments

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Attachment	Title
A	Action sheet from previous Board meetings – <b>CLOSED</b>

#### Approval and contact

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<b>Approver</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Belinda Panckhurst	Administration Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Chief Executive Officer's report 14<sup>th</sup> September 22 – 25 November 25

#### Recommendations

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1. **Note** the Chief Executive Officer's report including attachments

#### Current position

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The following briefing provides an overview of highlights, risks and opportunities during the reporting period. It is reported under the six themes of the Board's Strategic Plan, and supported by detailed reports from the three business unit Senior Managers.

#### Effective Leadership and Governance

The Senior Leadership Team is stretched at the present time, with one Senior Manager role vacant and the responsibilities are being shared between the Senior Manager Business and Corporate Services (MBCS) Debbie Johnsen and the CEO. The third Senior Manager - Environment and Community Services is being filled on an acting capacity. In good news, that role has been filled and a new MECS is due to commence 09 January 23.

Across the establishment, 5 of the 6 second level managers are either vacant without backfill (1) or filled on an acting or temporary basis (4/6). Vacancies also exist at service delivery due to short term and new funding agreements requiring new positions, and turnover. Suffice to say, recruitment has been a major focus of the previous period and will be for the next few months.

The ability to report, monitor and manage WHS risks and incidents will improve markedly with the introduction of CAMMS tool. IT and email barriers have been resolved, and trainers will be on island from the 28<sup>th</sup> November to onboard the system with all team members.

Final approval for the Efficiency and Effectiveness Review implementation project is being sought, however some no-regrets actions are underway. Phase one of the discovery process for our IT systems review has been completed, and a report received to trigger the second phase.

#### *PMES Results*

Employee engagement is a key driver of productivity, and retention. The Department of Planning and Environment administers an employee engagement survey annually. The survey is a tool to monitor employee engagement, identify areas for improvement, and to celebrate

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success. The report (Attachment C) indicates an overarching employee engagement score of 55% was reported, up 5% since 2021. Significant improvements and high scores were recorded for role clarity and support (84%, up 19%), customer service (84%, up 16%) and job satisfaction (71%, up 25%).

The greatest area for improvement relates to feedback and performance management (24%). Training in the DPE system called "My Talent Plan", with associated KPI's and performance reviews, had been organised for September but will now be rescheduled for Quarter 3, when most senior and middle management roles are filled. The results will be presented to the staff at a staff meeting in late November. Staff will be invited to participate in working groups to explore the matters of recognition, employee voice and wellbeing / burnout that also scored poorly.

### *Diligent*

Diligent is a software product specifically designed for creating, distributing and collaborating on board meeting materials. As a cloud-based repository, the tool can be used to store a library of policies and other relevant governance documents, and past meeting papers. The product has a similar tab function as the current PDF document, however it is more user friendly. Board papers will be issued through Diligent for the next 12 months as a trial, at no cost to LHIB. Staff can assist load the app, log on and use the tool. Hard copies of the papers can still be issued at the request of members.

### LHIB Results

An overarching employee engagement score of 55% was reported, up 5% since 2021. Significant improvements and high scores were recorded for role clarity and support (84%, up 19%), customer service (84%, up 16%) and job satisfaction (71%, up 25%).

The greatest area for improvement relates to feedback and performance management (24%). Training in the DPE system called "My Talent Plan", with associated KPI's and performance reviews, had been organised for September, however our People Partner recommended postponing due to the turnover in the leadership team. Most senior and middle management roles should be filled by the first quarter of 2023, and this training will be rescheduled for then.

The results will be presented to the staff at a staff meeting in late November. Staff will be invited to participate in working groups to explore the matters of recognition, employee voice and wellbeing / burnout that also scored poorly.

### Sound Infrastructure and Services

Negotiations with Birdon regarding renewal of our shipping service continues, and an update is included in the papers. It is likely that an out of session meeting will be required to approve the terms of the new contract, expected to be finalised by end January. A procurement strategy for the longer-term marine freight service has been developed and is awaiting approval, and legal input is being secured for contract development.

The major road upgrade project is currently out for tender. With a supplier unlikely to be determined and in position to commence until Q4 next year, a contractor has been engaged to undertake critical repairs to minimise risk during the busy tourist season.

A report has been received in relation to an upgrade to the waste management facility (WMF). While the report ensures compliance with EPA license to operate the facility, significant capital

is required to implement the report. External funding opportunities will need to be sought to bring the facility to a reasonable standard.

## Outstanding Environment

Minor re-alignment of the Environment portfolio sees three team leaders comprising Biosecurity, Weeds and World Heritage now at level.

The dual focus for Biosecurity remains the ongoing monitoring and surveillance, and progressing the improvements to secure mainland facilities. A visit from Birdon's General Manager, Sarah Yuen, has seen positive progress in the dialogue around required improvements.

Weeding work continues with the onset of warmer weather and the removal of rodent suppression making ideal conditions for germination. 17 years into a 30 -year program of eradication means that weed search is challenging, as densities are reduced. Contractors continue to be used to bolster the efforts of permanent staff.

Unfortunately, a man died on Mt Gower recently within the Permanent Park Preserve, likely from a heart attack. A risk review being undertaken in collaboration with NPWS and the local certified contractors to ensure all is being done to ensure safety of hikers and minimisation of the Board's liability.

## Responsible Land Management

The backlog of DA and building application matters continues to be addressed. Options are being explored to seek an alternative to the Board providing certification services, in order to finalise many DA's and ensure compliance in to the future.

## Strong and Sustainable Economy

Tourism businesses appear to be back in full swing, with lodges at capacity well into the New Year.

Meetings with Lagoon tour operators were facilitated jointly with Marine Parks and NSW police to remind all of their compliance obligations, and encourage better cooperation and communication

## Support a Strong and Engaged Community

A small grant has been received under the Reconnecting NSW – Community Events Program, and planning is underway though an outsourced event manager. The aim of the program is to promote economic and social recovery post COVID 19. Four separate activities are envisaged over a 10-day period, likely coinciding with Discovery Day. They will involve music, cinema, children's entertainment, sport, food and beverage that celebrate Lord Howe Island and bring the community together around shared interests.

Submissions were invited regarding Telstra's proposed mobile phone tower, and a town-hall meeting held to enable the community to ask questions directly of the proponents. A consultation summary and results is the subject of a business paper.

## Attachments

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Attachment	Title
A	ECS report
B	IES report
C	Biosecurity Compliance
D	Summary of PMES Survey Results 2022

## Approval and contact

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Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Suzie Christensen	Chief Executive Officer

# CEO BOARD REPORT

## INFRASTRUCTURE AND ENGINEERING SERVICES

### OPEN SESSION

#### Item

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This report is a brief summary of IES activities and issues covering the period October to December 2022.

#### Core Service Streams

1. Aerodrome Operations
2. WMF Operations
3. Electricity Generation and Distribution Operations

#### Major Projects, Major Maintenance Items and Procurements

4. Asset Management Plan
5. Environmental Protection Agency Visit
6. Roads Project – Pothole program

#### Summary of Activities and Issues

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##### 1. Aerodrome Operations

Maintenance and operations of the assets has continued over the period with no major interruptions encountered because of a need to deliver reactive maintenance at the site.

Due to the weather conditions on Lord Howe Island the primary windsock frame has been damaged, this resulted in a NOTAM being released on the 14/10/2022. Welding ops have been undertaking as an interim solution. The manufacture has noted that this is a rare occurrence but has happened previously on Abrolhos Island. As such, frames with reinforced struts will be provided to the LHIB free of charge to avoid future occurrences.

Commercial operators have continued to utilise the airstrip without experiencing interruptions from airstrip availability, however they have had a small number of their own interruptions due to various off-island issues occurring, such as mechanical issues including a fire in Sydney. In response, the LHIB will be conducting a tabletop emergency exercise followed by a LEMC meeting early next year. Weather over the period did result in a high number of flights being cancelled. Operators have suggested that the installation of cameras as an aviation-related service made available to pilots may help aid operators in monitoring the LHI aerodrome prior to cancelling flights. This option is currently being researched.

The Aerodrome has continued to support a number RAAF training exercise over the reporting period. RAAF aircraft often land after all commercial operations on a given day are complete. However, RAAF's continued requests results in a requirement by LHIB to make staff available outside of their usual bandwidth hours in low-light or no-light conditions at pay rates above normative at cost and risk to LHIB.

## **2. WMF Operations**

Operations have continued at the WMF. Staffing is currently under quota with full-time WMF staff being allocated to HDA outside the WMF. EOI for Field officers have been advertised to fill in for staff whilst on HDA.

MRA Consulting group conducted an on-site visit required to complete the WMF Upgrade Report. The report is currently in last stages of draft and has been submitted to EPA to meet license (PRP) requirements, and will be presented to the Board at its February meeting

Whilst onsite, MRA identified several WHS issues, including exposed electronics, unsafe lifting practices and usage of ladders without working platforms. These are currently being rectified.

The WMF HotRot has had 2 malfunctions within this reporting period. The Human-Machine Interface (HMI) stopped working meaning that compost was unable to be turned/aerated within the vessel. This led to stagnant material significantly increasing in temperature posing a potential hazard. WMF staff worked with HotRot and have now successfully installed remote operation capability onto the computer to minimize the risk if it occurs again. A new HMI has been installed and the fault was most likely caused as the HMI is open to the weather.

The HotRot gearmotors are currently under maintenance. An extra gearbox has been ordered so that maintenance can be carried out without interrupting day to day operations. New bins have been ordered to replace the islands supply of short wheel-based bins. These bins pose a WHS hazard to WMF staff as they are not suitable for the bin lifters and are required to be lifted overhead to empty.

An incident occurred on 17/11/22 resulting in a staff member receiving a laceration from corrugated iron. All correct PPE was being worn when the accident occurred. The staff member was cleared for work and WMF risk register has been updated.

## **3. Electricity Generation and Distribution Operations**

Work is underway to strip down and quote to repair the second spare generator motor. All other routine maintenance is being undertaken as per schedule. Photon are finalising an asset management plan for the electricity network and solar array to form part of the overarching Asset Management Plan.

## **4. Asset Management Plan**

Matthew Greskie, MRA Consulting was engaged to create an online Asset Management Plan for the LHIB. The asset management plan will be available through NAMS+ which is a scalable online toolkit that will be able to streamline and simplify asset management planning. NAMS+ will allow not only the creation of an on-demand asset management plan but will also provide the board with a real-time view of asset life-cycles.

The work will complete a deliverable of the EER implementation plan, and will inform priorities for expenditure of our capital and maintenance budget for FY23, along with future budgeting. Early indications confirm the EER finding that LHIB revenue is currently insufficient to adequately maintain and renew current assets. The revised Asset Management plan will be presented to the February 2023 Board meeting.

## 5. Environmental Protection Agency Visit

The Environmental Protection Agency (EPA) visited Lord Howe Island from Tuesday 22<sup>nd</sup> November – Thursday 24<sup>th</sup> November and focussed on 3 main items:

1. Birdon Diesel Spill - LHIB Wharf / loading area & need for improved management & facilities.
2. Annual inspection of the LHIB WMF.
3. Site visits to LHIB owned septic systems classified as high risk.

A meeting was held with the Acting Team Leader Compliance / Waste & Projects to discuss the WMF PRP's, island wide septic maintenance and chemical storage. An island wide pump-out/maintenance schedule is currently being developed with the aid of Civcon and AIS. This plan cannot be implemented until high-risk board systems have been rectified and are routinely inspected. EPA personnel also reviewed the draft WMF upgrade plan with management.

## 6. Roads Project – Pothole Program

A delay in expected construction commencement of the roads project has occurred due to necessary procurement timeframes and processes. The condition of several roads have deteriorated heavily leading to safety concerns and public complaints. To ensure the safe operation of public roads on LHI and to manage staffing shortages LHIB has contracted AIS to conduct a “Lord Howe Island Pot Hole Program”. The program was independently reviewed by Engineer Matt Greskie, and will extend over a period of 18 days and will focus on roads that have been identified as a risk. Work will consist of the repair of roughly 6000m<sup>2</sup> of damaged roads with major works being performed on Lagoon Road from TC Douglas to the Post Office (Grade & Pack).

## Attachments

Attachment	Title
Nil	

## Approval and contact

<b>Approver</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Brad Josephs	A/ Team Leader Compliance/Waste & Projects

# CEO BOARD REPORT

## ENVIRONMENT AND COMMUNITY SERVICES

### OPEN SESSION

#### Item

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This report is a brief summary of ECS activities and issues covering the period May to September 2022.

#### Core Service Streams

1. Biodiversity Management
2. Biosecurity
3. Weed Management
4. Threatened Plants
5. Visitor Infrastructure
6. Marine Management / Moorings
7. Environmental Assessment
8. Land Administration
9. Development Assessment and Land Use Planning

#### Major Projects, Major Maintenance Items and Procurements

1. Biosecurity (see separate paper xx)

#### Summary of Activities and Issues

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##### 1. Biodiversity Management

##### Operations

The next woodhen survey is scheduled for Monday 5 December – Friday 23 December 2022. The aim is to survey woodhen populations across the island, including the settlement. The previous survey in March 2022 recorded 778 individuals, the highest number recorded since the surveys began in 1985 and 180 more than what was recorded in November 2021. Due to the steady increase in the population, management will be seeking advice from specialised fauna survey ecologists regarding the future of the census survey. Management would like to explore alternative options for monitoring the population to ensure the ongoing protection of the species while minimising intervention activities.

As part of the walking track and ropes audit, some of the ropes on the Gower track have been repaired. The Environment Team continues to work with tour operators to monitor rope condition.

Goat House Walking Track remediation work commenced in late October. Work is progressing well and is on track for completion by the end of the year.

The island continues to be busy with visiting researchers. The priority at the moment is completing the Biodiversity Benefits Monitoring Projects following the completion of the Rodent Eradication Program. The Board has partnered with scientists in the Department of

Planning and Environment to complete the work so that we can understand how the environment is responding to the absence of rodents.

### **Staffing**

Hank Bower, Manager Environment and World Heritage resigned from his position and left the LHIB in late September. Following a request for expressions of interest, Cristina Venables will be filling a revised role of Team Leader Environment and World Heritage on a short-term contract until June 30 2023.

Recruitment to fill vacancies in the Environmental team has been finalised with a Field Supervisor position awarded to Sam Filetti, and two Field Officer roles to Blake Thompson and Riley Wilson.

## **2. Biosecurity**

### **MV Island Trader rodent incident**

The first voyage in September was postponed due to the presence of a rat on the ship on the morning of departure. The rat was detected on a monitoring camera entering the ship and it could not be confirmed whether it left or remained on the ship. For this reason, the ship was unloaded and a 7-day period with no rodent presence was required in order for the ship to sail. This response was in line with a similar situation in 2021.

Additional Eastern Air freight planes were organised by private customers on the island while the RAAF provided a Hercules to bring additional gas supplies and resident's perishable food to the island. Ongoing improvement work at the Birdon Freight Facility to decrease the likelihood of a recurrence of this type of event is being undertaken.

### **Staffing**

Leave and absences during September and October supplemented by contract mainland dog handlers to carry out some core biosecurity work

Securing ongoing funding for the program through the recent NSW government funding has meant that staffing can now be secure for the next 4 years. Recruitment was finalised for the Administration Officer and Ashley Hoper has been appointed until June 30<sup>th</sup> 2026. Two Biosecurity Officer positions were awarded to Chad Wilson and Bree Potter and a third is being finalised.

Biosecurity Team Leader, Chris Birmingham has tendered his resignation effective from mid-January. Originally recruited for 5 months in early 2022, his contract was extended recently in line with the Biosecurity NPP. Chris and family have decided to return to New Zealand where they are currently building a house. We thank Chris and Linda for their contribution to not only the LHIB, but also to the community and wish them and Ollie and Nina the best.

Further recruitment under the NPP funding is currently underway for a Senior Biosecurity Officer, as well as Communications and GIS Officers who will work across the Board but have significant responsibilities within the Biosecurity team.

### **Dog Searches and monitoring**

Dog searches took place in September and October using teams from Tate Animals and Mark Holdsworth. Coverage of the settlement area was down due to availability of staff and

contractors. No rodent detections were made during these two periods. New handler teams have been recruited for December checks which bolsters our contractor capacity. An expression of interest for this ongoing work in 2023 will be circulated more widely within the conservation dog network in an effort to build some further contingency into this program. All other monitoring has found no confirmed rodent presence.

Planes and vessels continue to be checked as per schedule and no biosecurity issues were detected in this period.

## **Dogs**

Willow continues to wow her new handlers. Feedback from other experienced handlers and trainers is that she is really going to be a valuable asset in years to come. Zuma's injury remains an issue and phasing him out of active service is the most likely scenario. We are currently investigating retirement plans and replacements for both Sebbi and Zuma. Sebbi is still going well but will need to be replaced at some stage in the medium term. A replacement dog around the same age as Willow will be trialled on the island from mid-January, and further dog opportunities are currently being explored. This includes fully trained dogs and the use of contracted dog handler teams to backfill until our own handlers are up to speed in the first quarter of 2023.

## **Qantas and Eastern Air Services**

Biosecurity consultant Graeme Beech has continued to build on good progress with Qantas management regarding improved biosecurity, getting in behind the scenes at the Qantas Freight Facility to understand the risk profile. Plans are being made to carry out some monitoring work to quantify this risk. Engagement with Eastern Air Services has begun and the team will continue to work with them to improve biosecurity processes.

## **3. Weed Management**

### **Operations**

The LHI Weed Eradication Program dashboard updates for this financial year include 3,937.95 hours of effort across 109.45 hectares with a total distance of 2172.7 kilometres travelled from both LHIB staff and contract labour.

Teams have been focusing search efforts in the Northern Hills to target Bridal Creeper before the plant sets fruit. Other areas of focus include landscape units Lidgbird South, Intermediate Hill and the Northern Settlement.

A contract team comprised of both mainland and local staff was recently engaged to work alongside the local Weed Eradication team for 3 weeks. This significantly increased the hectares covered and has allowed completion of four blocks in the Northern Hills before Bridal Creeper lays dormant for the summer season.

A helicopter winch program is scheduled for February pending suitable weather conditions.

The table overleaf lists total weeds treated between 1<sup>st</sup> September – 23<sup>rd</sup> November 2022.

Species	Seedling	Juvenile	Young Mature	Peak Mature	Reshoot
African Boxthorn	0	1	0	1	0
African Olive	0	0	0	0	2
African Plum	0	3	1	0	0
Bitou Bush	51	15	11	2	0
Black Passionfruit	0	9	2	0	0
Blue Passionflower	0	0	1	0	0
Brazilian Cherry	0	1	0	0	0
Bridal Creeper	50	249	37	9	1
Camphor Laurel	7	9	0	5	10
Castor Oil Plant	0	5	0	0	0
Cherry Guava	152	665	44	10	18
Climbing Asparagus Fern	64	162	20	5	3
Coffee	0	1	0	0	0
Cotoneaster	0	5	0	0	0
Cunjevoi	0	3	0	3	0
Flame Tree	0	4	1	0	0
Ginger Lily	0	1	0	0	0
Ground Asparagus	1142	1429	95	25	0
Hibiscus	0	1	0	0	0
Holly Fern	2	2	0	2	0
Indian Hawthorn	0	1	0	0	0
Lady-Of-The-Night / Night Jasmine	3	22	1	0	0
Lantana	0	0	1	0	0
Lemon (Wild)	0	2	0	0	0
Madeira Vine	57	53	14	7	
Norfolk Pine	1231	602	1	0	0
Ochna	1	27	2	1	0
Palm Grass	2	5	0	0	0
Papaya / Pawpaw	5	22	7	5	0
Peach	0	2	0	0	0
Privet - Narrow-Leaf	0	2	0	0	0
Rhus Tree	0	0	1	0	0
Rice Paper Plant	0	1	0	0	0
Silky Oak	0	1	0	0	0
Spanish Bayonet	0	25	0	0	0
Sweet Pittosporum	0	38	3	0	0
Tobacco Bush	84	309	83	17	0
Umbrella Tree	0	4	0	0	0
<b>TOTAL</b>	<b>2851</b>	<b>3681</b>	<b>325</b>	<b>92</b>	<b>34</b>

## Staffing

Sue Bower, Team Leader – Flora & Weeds resigned from her position and left the LHIB in late September. Nicola Fuller is currently acting in this role with the recruitment process for this position due to be complete by the end of November.

Recruitment for additional Bush Regenerators is currently underway, with a full team expected to be operating from early 2023.

## Threatened plants

Threatened plant recovery actions continue to be implemented according to the LHI Saving Our Species (SOS) program; now running a five-year contract period, with funding availability subject to yearly reporting.

Several threatened plant surveys across the Southern Mountains are due to be completed in December.

## 4. Environmental Assessment

Ecological assessments for all OC / DAs referred were completed

Tree risk assessments completed.

## 5. Land Administration

See business papers.

## 6. Development Assessment and Land Use planning

See business papers

## Attachments

Attachment	Title
Nil	

## Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Darcelle Matassoni	Acting Senior Manager Environment and Community Services

# LORD HOWE ISLAND BIOSECURITY COMPLIANCE UPDATE (SEP-NOV 2022)

## Background

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Lord Howe Island biosecurity compliance update (Sep-Nov 2022).

## Background

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Biosecurity procedures, practices, and resources are in an active update and development phase post rodent response in 2021 and the announcement of the Biosecurity NPP funding. Progress has since been made on improving biosecurity delivery with a strong emphasis on staff recruitment and training to increase our capacity. In addition to this a strong focus has been on improving biosecurity efficacy at mainland points of departure. The Biosecurity Strategy 2022-26 was endorsed and accepted by the Board.

This update encompasses the period from September – November 2022.

## Current Position

---

### RODENT

Most recent confirmed Rodent Sign: 12<sup>th</sup> August 2021

#### Rat on a rodent (ROAR) Reports:

Months	Reports	Evidence Collections	Outcome
September - November 22	1	1	No rodent activity observed by LHI Biosecurity Team.

Any reports are investigated. Evidence collections are only undertaken when the initial report contains sufficient evidence to justify further investigation.

### VESSELS AND AIRCRAFT INSPECTIONS

- There has been a high inspection rate of vessels and aircraft arriving to Lord Howe Island. Only one plane was not met by biosecurity staff, this was a charter flight by EAS that we were not informed about.

	Month	Aircraft			Vessels	
		Qantas	Private	Eastern	Private	Commercial
2022	September	50	4	47	10	1 visit from NSW Police vessel
	October	60	7	48	10	
	November (until 18 <sup>th</sup> )	37	4	27	11	
	% Met	100%	100%	99.9%	100%	

Table 1 Inspections carried out in last 3 months

- There have been 11 voyages since July. Five of these have resulted in positive discoveries of biosecurity risk matter at the Lord Howe Island end, categorized below. The significant volume of work funded and undertaken by the Board at the Port Macquarie end has contributed to an overall decrease in
- Port Macquarie (PMQ) (Birdon) Interceptions of potential invasive species:

Risk category	Percentage of voyages since July 2022	Species/type present at Birdon shed and surrounds or in freight
High	60%	Rodents/frogs/reptiles
Medium	80%	Spiders, snail, centipede, earwigs, moths, seeds
Low	80%	Organic matter, dirt, etc

- LHI Interceptions of potentially invasive species/risks

Risk category	Percentage of voyages since July 2022	Species/type
High	10%	Frog x 1
Medium	50%	Spiders, snail, centipede, earwigs, seeds
Low	40%	Organic matter, dirt, etc

In early September a rodent was detected on board the Island Trader on the morning of departure. The voyage was cancelled due to the amount of time required to provide confidence that the ship was rodent free. The team is working with Birdon to complete improvement work that will limit this potential in the future. Work is also underway with DPI and Birdon to streamline the process and develop better contingency plans, and inform stakeholders of these processes.

## BIOSECURITY DOGS

- Springer Spaniel Sebbi is still performing well. Unfortunately Springer Spaniel Zuma suffered a broken front leg while carrying out field work and has had ongoing issues during his recovery. It is likely he will not be at full capacity for field work again and is currently only able to carry out work at the airport.
- A retirement plan for both Sebbi and Zuma is being drawn up and it is probable both dogs will be phased out of active service.
- The new Cocker Spaniel 'Willow' has been on the island since August and her training is going very well. She will most likely be in an active service by early 2023.
- Another young dog is being sourced and will be trialled in January 2023 to assess suitability for the island and associated work.
- Further puppies and/or fully trained dogs are also being sourced now to allow a smooth transition out of active service for our older dogs without too much disruption to the program
- There has been a requirement to contract additional contract dogs and/or handlers in to cover injuries etc and this has incurred additional cost to the Board
- A new kennel facility is currently being scoped with potential for construction to begin in the new year.

## **SURVEILLANCE AND MONITORING**

- Weekly and monthly monitoring of the static device network across the island has been completed in November
- Camera monitoring has been completed and images inspected and analysed.
- Settlement searches using rodent detection dog teams have taken place since September.
- No rodent detections have been made
- It has been noted that there are some deficiencies in our data collection systems which has made it problematic to extract data easily for reporting purposes. We are working to improve this currently and align our data inputs and outputs for better reporting outcomes.

## **BUDGET UPDATE**

Current operational forecasting is projecting a variance of \$71,000 this financial year. This overspend has come about for several reasons.

- The rodent on the Island Trader incident in September meant that additional biosecurity checking was required at Port Macquarie as well as facilitating the movement of island freight via the RAAF
- Due to dog injuries and staff absences, contractor backfill was required to cover routine biosecurity work on island for checking of planes and ships.
- Although new biosecurity officers have been recruited and a new dog is in training (with one more to come) it is not expected that we will be at full capacity until February 2023 at the earliest. For this reason, a contract dog team to be based on the island from the end of this year for 2-3 months. This team will carry out routine biosecurity work and provide training and mentorship for new staff to bring them up to speed. This will build capacity and resilience more quickly in the Lord Howe Island biosecurity team and significantly reduce the dependence on external contractors moving forward.
- The predicted overspend in the Biosecurity OPEX budget is being reviewed to identify if cost savings can be made to reabsorb the variance over the coming months.

**Prepared:** Chris Birmingham, Team Leader Biosecurity

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

---

Owner Consent approved under Delegated Authority status report.

#### Recommendations

---

1. **Note** the information provided in this report.

#### Current position

---

The Minister for the Environment has approved delegated authority regarding the issuing of owners consents by the CEO providing:

1. The development value is not more than \$2 million,
2. Does not relate to development for the purpose of a new dwelling, and
3. Complies with any planning instrument in force relating to the Island.

The following owner consent applications complied with the above requirements and have been determined by the CEO since the last Board meeting, as detailed below:

OC	Applicant	Site	Proposal	Zone	Decision
2022.4	Lord Howe Island Bowling Club	Portion 39, LHI 70	Alterations and Additions to Club House including New Storage Areas and Detached Bowler Locker/Change Room	Zone 6 Recreation	Approved 13/10/2022 together with DA2022.4 subject to 19 conditions.

#### Attachments

---

Attachment	Title
Nil	

#### Approval and contact

---

<b>Approver</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Lynda Shick	Land & Property Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

---

Development Application approved under Delegated Authority status report.

#### Recommendations

---

1. **Note** the information provided in this report.

#### Current position

---

The Minister for the Environment, under section 80(1) of the Environmental Planning & Assessment Act, issued authority to the CEO to determine development applications providing:

1. The development value is not more than \$150,000;
2. No more than 3 written objections are received within the exhibition period; and
3. The application has not been called up for full Board determination by any Board Member. (All Lord Howe Island Board development applications are to be determined by the full Board).

The following development applications complied with the above requirements and have been determined by the CEO since the last Board meeting, as detailed below:

DA	Applicant	Site	Proposal	Zone	Decision
DA2022.4	LHI Bowling Club	Portion 39, LHI 70	Alterations and Additions to Club House including New Storage Areas and Detached Bowler Locker/Change Room	Zone 6 Recreation	Approved 13/10/2022 subject to 19 conditions.

#### Attachments

---

Attachment	Title
Nil	

## Approval and contact

---

<b>Approver</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Lynda Shick	Land & Property Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

---

Motor vehicle importation or transfer status report.

#### Recommendations

---

1. **Note** the information provided in this report.

#### Current position

---

Since the last Board meeting, ten (10) vehicle applications to import or transfer were determined by the Chief Executive Officer under the 'Vehicle Importation, Transfer and Use Policy'.

The table below shows the vehicle applications determined since the September 2022 Board meeting.

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation to Applicant	Comment
Jack Shick	Boat Trailer	N	Commercial	0	Approved 18/08/2022 - Replacement
Jesse McCallion	Toyota Hiace Bus	N	Commercial	1	Approved 19/08/2022 – Transferred from Bradley Wilson
Fletcher Owens	Toyota Hilux	N	Commercial	0	Approved 30/08/2022 – Retain vehicle
Lyndi Cameron	Honda Scooter	Y	Private	0	Approved 01/09/2022 - Replacement
Stuart King	Ford Ranger Ute	N	Private	1	Approved 19/10/2022
NSW Police	Ford Ranger Ute	N	Essential	0	Approved 19/10/2022 – Replacement
Capella	Club Car	Y	Commercial	0	Approved 31/10/2022 - Replacement
Leanda Lei	Suzuki EW16 car	N	Hire	0	Approved 31/10/2022 - Replacement
Tim Solomon & Rebecca Moran	Honda City Sedan	N	Private	0	Approved 3/11/2022 – transferred from Dorothea Wilson
Jim McFadyen	Ford Ranger Ute	N	Private	0	Approved 10/11/2022 - Replacement

NOTE: Variation column relates to the applicant and not the increase of vehicles to the island.

As at 15 November 2022

<b>Registered Road Vehicles</b>						
Essential	Commercial	Private	Hire	Plant & Equipment	Imported without approval	Total
35	118	176	10	26	64	429

At the May 2010 meeting it was requested that further differentiation in the vehicle statistics to identify motor vehicles and motor cycles / scooters and trucks separately be presented. This information is presented below.

<b>Registered Road Vehicles</b>						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
199	31	38	14	42	105	429

At the June 2016 meeting it was requested that future reports include trends in regards to vehicles imported without approval and clarification that these are vehicles which pre-date the Board approval and monitoring process. There remains a total of 64 vehicles imported without approval prior to the current policy:

- 58 vehicles were imported without approval prior to and in 2014. The majority of these vehicles were trailers.
- 1 vehicle, a boat trailer, was imported without approval in 2015.
- 3 vehicles, all boat trailers, were imported without approval in 2016.
- 1 vehicle, a mower was imported without approval in 2019.
- 1 vehicle, a mobility scooter was imported without approval in 2020.
- 9 vehicles have been replaced and are awaiting removal.

The following table shows further differentiation in the vehicle statistics to identify the types of vehicles that have been imported without written approval.

<b>Vehicles Imported Without Approval – By Type</b>						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
5	0	8	6	4	41	64

## Attachments

Attachment	Title
Nil	

## Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Lynda Shick	Land & Property Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

---

Amendment to the Vehicle Importation Transfer and Use Policy - inclusion of Transport for NSW – Maritime as an Essential Service

#### Recommendations

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1. **Approve** the inclusion of TfNSW Maritime to the Schedule of Essential Services with an allocation of one (1) fuel trailer to be used by LHI Port Operations and NSW Police as per their current approval.
2. **Approve** the application from TfNSW Maritime for the inclusion of one (1) boat trailer to the Schedule of Essential Service vehicles.
3. **Refuse** the application from TfNSW Maritime for the inclusion of one (1) 4 x 4 utility to the Schedule of Essential Service vehicles.
4. **Approve** That the Board advise TfNSW Maritime to explore other options to meet their needs for a vehicle that align with the policy intent of limit vehicles on LHI.

#### Background

---

Transport for NSW (TfNSW) Maritime has provided services to Lord Howe Island since the early 1980s including Maritime Safety and Marine Pollution Response and has committed a number of assets and resources necessary to carry out these tasks. However, they have never formally applied to be listed as an Essential Service under Section 8.4 Schedule of Essential Services in the Board's Vehicle Importation Transfer and Use Policy (the Policy).

An application was received on 15 August 2022 from TfNSW requesting that consideration be given for the following vehicle allocations to be listed under section 8.4 of the Policy (Attachment B)::

- 1 - 4x4 Utility Vehicle;
- 1 – boat trailer;
- 1 – fuel trailer.

#### Current Position

##### **Fuel Trailer (Currently on the Island)**

TfNSW Maritime currently has one (1) vehicle on the island, a Fuel Trailer, which is stored in the secure shed owned by TfNSW Maritime, located next to the Police Station in TC Douglass Drive. This vehicle was approved on 3 November 2017 as an Essential Service fuel trailer for use by LHI Port Operations and NSW Police (Attachment B). TfNSW is not listed as an Essential Service under Section 8.4 of the Policy. This anomaly was discovered in December

2021 when the trailer was removed from the island for essential maintenance and an application was received for its return. A letter was issued to TfNSW on 10 December 2021 encouraging them to apply in writing to request an amendment to the policy to include TfNSW in the Schedule of Essential Services with an allocation of one (1) fuel trailer to bring into line their current approval.

Additional information received on 01/11/2022 (Attachment D) stating that the fuel trailer will be stored at the Transport for NSW shed located at the Police Station.

It is recommended that TfNSW be added as an Essential Service to the Schedule of Essential Services in 8.4 of the Policy with an allocation of one (1) fuel trailer.

#### **Justification for Boat Trailer**

TfNSW has advised that they have an eight (8) metre work vessel stationed on the island, the vessel provides essential support for marine pollution contingency and is used for maintaining and servicing LHI's marine navigational aids within LHI waters. The vessel is used to undertake regular safety patrols during peak seasons and assist various government agencies such as NSW Police, Marine Park Authority and the Lord Howe Island Board by providing transport of staff for various projects when required. Due to current constraints associated with slipping and removing vessels from the water, a purpose-built trailer is required. (Attachment C).

Additional information received by email 01/11/2022 (Attachment D) stating that Maritime has had issues with being able to undertake regular maintenance on the current in-water vessel, to the point it now has to be shipped back to the mainland for repairs and maintenance. It is proposed to store the vessel on the trailer on the grassed area adjacent to the Oil Spill Response Shed at the Jetty or at another location suitable to the Board. The most suitable location is the long-term boat storage area off lagoon road.

It is recommended that an allocation of one (1) boat trailer be added to the Schedule of Essential Services in 8.4 of the policy for TfNSW, Boat and trailer to be stored in the long term storage area when out of the water, consistent with the policy.

#### **4 x 4 Utility Vehicle**

The Vehicle Allocation, Importation and Use Policy has a clear policy intent to limit the number and size of vehicles on the island. It prescribes a limit of one vehicle per lease.

The value of the TfNSW Maritime service is not the subject of this paper. (Attachment C).

Additional information received by email dated 01/11/2022 (Attachment D) stating that the proposed storage site for the 4 x 4 utility vehicle is at the TfNSW shed located at the Police Station.

The need for one (1) 4 x 4 utility vehicle is not justified in their application. TfNSW has stated that if the utility is approved, they are quite open to sharing assets with other agencies which would allow for greater flexibility and sharing of resources, reducing the need to further increase the number of vehicles on the island.

There are a number of other agencies listed as Essential Services with vehicle allocations with whom TfNSW could have shared use of a vehicle.

In order to be consistent with previous decisions, it is recommended that the Board:-

- Refuse the allocation of one (1) 4 x 4 utility vehicle for TfNSW to the Schedule of Essential Services in 8.4 of the Policy; and
- Suggest that TfNSW explore other options to meet their needs for a vehicle that align with the policy intent of limit vehicles on LHI.

## Attachments

Attachment	Title
A	Vehicle Importation Transfer and Use Policy – September 2022
B	Letter – Approval – Import – Essential Service Fuel Trailer – Roads & Maritime Service – 3 November 2017
C	Letter – Request to be added as an Essential Service with an allocation of three vehicles – 16/08/2022
D	Email – Additional information – Storage of Vehicles – TfNSW – Maritime – 01/11/2022

## Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Lynda Shick	Land & Property Officer

# LORD HOWE ISLAND BOARD POLICY

<b>TITLE</b>	<b>Vehicle Importation, Transfer and Use Policy</b>		
<b>DATE ADOPTED</b>	December 2006	<b>AGENDA ITEM</b>	8 (ii) December 2006
<b>CURRENT VERSION</b>	September 2022	<b>AGENDA ITEM</b>	13.2 September 2022
<b>REVIEW</b>	Biannually	<b>RECORD NUMBER</b>	ED17/765
<b>ASSOCIATED LEGISLATION</b>	<i>Lord Howe Island Act 1953 (NSW)</i> <i>Lord Howe Island Regulation 2014 (NSW)</i> <i>Local Government Act 1993</i>		
<b>ASSOCIATED POLICIES</b>	N/A		

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## 1 Policy Overview

The aim of this policy is to limit the overall number and impact of vehicle movements on the island's road system, with a particular focus on the types of vehicles driven on the island. The vision is for the Island's fleet to consist of a limited number of low impact vehicles, with electric vehicles being encouraged.

The Board has developed this policy to guide management of vehicles on the island, in accordance with the provisions of the Lord Howe Island Regulation 2014. The policy is to guide the Board's use of the powers provided for under the Regulation regarding motor vehicles so that vehicle and traffic management is aligned with the expectations and aspirations of the community, and with the island's environment and economy.

The Board will determine whether the importation of a vehicle is in the public interest and consider the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts on the island. Unless otherwise provided for under this policy, no entitlement to import or use a vehicle is provided for. All applications to import or transfer and use a vehicle will need to demonstrate a genuine need for the import or transfer, use of a vehicle, and for the vehicle selected.

In particular, the Board will manage vehicle importation to limit the number of vehicles on the island, and the frequency and intensity of their use, to ensure that the impacts of vehicles and traffic on the island are minimised.

The Board recognises that the frequency and intensity of vehicle use are major influences on road safety, aesthetics and ambience of the island and where possible should be kept to a minimum.

The Board will continue to review and develop the policy, and associated programs and initiatives. These reviews will occur biannually.

## 2 Legislative Framework

The Board's power to regulate motor vehicles on Lord Howe Island is established under Part 6 of the *Lord Howe Island Regulation 2014*, in particular clauses 84, 86 and 87. Essentially, the Board's approval is required for any importation of a vehicle to the island (c 84), hire of motor vehicles (c86) and for any use of that vehicle on the island, including how a vehicle is used (c 87).

### *84 Approval to import motor vehicles*

*(1) A person must not, except in accordance with the approval of the Board, bring a motor vehicle onto the Island.*

*Maximum penalty: 50 penalty units.*

*(2) An application for approval to bring a motor vehicle onto the Island must relate to one vehicle only.*

### *86 Hire of motor vehicles*

*(1) A person must not, except in accordance with the approval of the Board, hire or offer for hire a motor vehicle to any other person for use on the Island.*

*Maximum penalty: 50 penalty units.*

*(2) This clause applies whether or not the person from whom the motor vehicle is or is to be hired, or any employee or agent of that person, is to drive or ride the motor vehicle.*

### *87 Use of motor vehicles*

*(1) A person must not drive or ride a motor vehicle on the Island unless the Board has given its*

*approval to the use of that vehicle on the Island.*

*(2) A person who has obtained the approval of the Board under this clause may drive or ride the motor vehicle concerned only in accordance with that approval.*

## **2.1 Relevant Legislative Provisions Relating To Approvals:**

Under Part 1, clause 4 (2) of the *Lord Howe Island Regulation 2014*, any approval given by the Board is subject to Chapter 7, Part 1, Division 3 of the Local Government Act 1993. This part of the Local Government Act (LG Act) specifies how approvals are to be applied for, made, amended and terminated. In particular, under Section 94 of the LG Act, the Board may apply conditions to any approval, and may apply a time limit on any approval. Under Section 103 of the LG Act, an approval, unless otherwise specified, lapses by default after five (5) years.

## **3 Definitions**

### **3.1 Motor Vehicle (from here on referred to as a “vehicle”):**

As defined under the *Lord Howe Island Regulation 2014* (c 83):

*A motor vehicle means a vehicle (other than an aircraft or a vessel) propelled by volatile spirit, steam, gas, oil or electricity and includes:*

- (a) An incomplete or partially constructed motor vehicle; or*
- (b) The chassis, body, frame or remains of a motor vehicle; or*
- (c) A trailer or caravan.*

**Note:** For the purpose of this policy, the above definition includes motor vehicles, motorbikes, mopeds (pedal assisted or non pedal assisted), motor scooters, mini bikes, quad bikes, trikes etc whether the motor is a permanent or temporary fixture and regardless of whether a motor vehicle licence or registration is required. A Power Assisted Pedal Cycle as defined by the NSW Roads and Maritime Services (RMS) is not considered a Motor Vehicle under this Policy.

### **3.2 Reside**

As defined under the *Lord Howe Island Act 1953*.

### **3.3 Dwelling**

As defined under the *Lord Howe Island Local Environment Plan 2010* and the Board’s policy definition of a Separate Domicile, but not including Staff Accommodation as defined under *Lord Howe Island LEP 2010*.

### **3.4 Tenant**

A person who lawfully occupies an approved dwelling on the island under a tenancy arrangement in accordance with the *NSW Residential Tenancy Act*.

### **3.5 Essential Services**

Essential services for the purpose of this policy are set out in the Schedule of Essential Services

### **3.6 Vehicle Hire**

To hire, attempt to hire, expose for hire or solicit for hire any vehicle on the island, to any person, for

money or other consideration of any kind.

### **3.7 Vehicles for Private Use**

For the purpose of this policy, any lawful use of a vehicle, including activities approved in a business licence issued under clause 49 of the *Lord Howe Island Regulation 2014*, but not including vehicle hire.

As a result of community concern over road safety, the Board has introduced maximum size of a vehicle for private use permissible on the island is:

- a) Length 5330 mm (not including tow ball);
- b) Width 1855 mm (not including side mirrors); and
- c) Height 1815 mm (not including roof racks or roll bars or headboard on the tray).

Note: this maximum size requirement does not apply to vehicles previously approved, nor boat trailers designed specifically to accommodate the length and width of the associated boat.

### **3.8 Vehicles for Commercial Use**

For the purpose of this policy, any vehicle which has been specifically applied for and approved under the policy provisions relating to Commercial Vehicles.

As a result of community concern over the number of oversized vehicles, the Board has introduced a maximum size of a standard vehicle for commercial use permissible on the island, which is based on the current model of a 2 wheel drive Toyota Hilux utility, which in 2020 was:

- a) Length 5330mm (not including tow ball);
- b) Width 1855mm (not including side mirrors); and
- c) Height 1815 mm (not including roof racks, roll bars or headboard on the tray).

Note: this maximum size requirement does not apply to vehicles previously approved, nor boat trailers designed specifically to accommodate the length and width of the associated boat.

Where a vehicle with different dimensions to the standard is required for specialised work, the case must be made as to why a non-standard vehicle should be approved.

### **3.9 Commercial Use**

To sell or hire, attempt to sell or hire, expose for sale, hire or profit or solicit for sale, hire or profit any article, thing or service to any person, or conduct, or assist in the conduct of, any amusement, entertainment, instruction, performance or activity for money or other consideration of any kind.

### **3.10 Power Assisted Pedal Cycle**

A Power-Assisted Pedal Cycle under this policy is defined by the NSW RMS.

A Power-Assisted Pedal Cycle is designed to be propelled solely by human power and has one or more auxiliary (electric) propulsion motors attached to assist the rider. This means that it must be possible to propel the bicycle only by the rider pedalling it. The primary driving force should be the rider, and the motor is only intended to help the rider, such as when going uphill or cycling into a headwind, or to cycle at a speed they cannot maintain solely by pedalling.

Power Assisted Pedal Cycles are to meet NSW RMS vehicle standards and it is noted that they not be

permitted to propel the bicycle when the rider is not pedalling (an optional low-speed start-up mode that allows the motor to power the cycle up to 6 km/h).

### **3.11 Motorised wheelchairs and mobility scooters**

A motorised wheelchair under this policy is defined by Transport for NSW.

Motorised wheelchairs are mobility aids with two or more wheels and have a top speed of 10km/h on level ground. Mobility scooters or 'gophers' are classified as motorised wheelchairs. A motorised wheelchair does not include a wheeled recreational device such as a motor scooter, pram, stroller, trolley or any other motor-assisted machine.

Motorised wheelchairs are only permitted for private use without approval. They are not allowed to be used for Hire purposes unless approval has been granted by the LHI Board.

### **3.12 Bull bars/Roo bars/Nudge bars**

Bull bars/roo bars etc are not permitted to be imported on a vehicle or added to a vehicle on LHI unless approval is given by the CEO of the Board. The CEO may only grant approval for a request for a bull bar/roo bar if it includes a winch and if it can be satisfactorily demonstrated that the winch is essential to the vehicle's use.

Where it can be demonstrated that vehicles come standard with a 'nudge bar' the CEO of the Board will take this into consideration when assessing a request to import a vehicle.

Second-hand vehicles with a bull bar already attached will be required to have the bull bar/roo bar removed prior to importation to island.

Note: this item does not apply to vehicles which have bull bars/roo bars and have previously been approved for importation to the Island .

It is noted that all vehicles must comply with Australian Design Rules to ensure they are safe. Therefore when a bullbar is removed from a vehicle it must be restored to a compliant condition including replacing any body or bumper panels to ensure pedestrian and occupant safety.

## **4 Vehicle Types**

Any vehicle which is approved by the Board for importation and use on the islands roads, other than plant and equipment, or motor assisted pedal bicycles, unless required by law, must be registrable and registered in the State of NSW in the name of the applicant.

### **4.1 Preferred Vehicles**

The Board will give preference, by way of incentives, to the importation and use of small and low impact vehicles which are either:

- a) A motor vehicle meeting the following requirements:
  - i. Have a Vehicle Kerb weight\mass of less than 1154kg; and
  - ii. Generate noise less than 82 dba (data on noise emissions provided in green vehicle guide [www.greenvehicleguide.gov.au](http://www.greenvehicleguide.gov.au)); and
  - iii. Have vehicle size "footprint"
    - Length 4000 mm (max)
    - Width 1700 mm (max)

- Height 1720 mm (max)
- b) Electric Vehicles:
- i. Electric vehicles include any vehicle that has battery storage and has an electricity plug-in recharge capacity. These vehicles (or the batteries for these vehicles) must have the ability to be plugged into an electricity power point connected to the LHI Grid.
  - ii. Hybrid electric vehicles that do not have a plug in recharge capacity are not deemed electric vehicles for the purpose of this policy.
  - iii. Electric vehicles for private use must not exceed the maximum vehicle footprint as defined under Section 3.
- c) Motor Scooters:
- i. 4 stroke motor scooters with a maximum capacity of 250cc.

#### **4.2 Other Vehicles**

Any other vehicle may be imported subject to this policy. The Board will retain absolute discretion in determining an application and will consider whether the importation of a vehicle is in the public interest and the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts on the island.

#### **4.3 Boat Trailers**

Approval to import and use boat trailers will be at the discretion of the Board subject to application on the prescribed form. Boat trailers must only be used to transport and store boats belonging to residents.

#### **4.4 Box Trailers**

Approval to import and use box trailers will be at the discretion of the Board subject to application on the prescribed form.

#### **4.5 Caravans**

The importation of caravans is prohibited under this policy.

#### **4.6 Specialist / Other Trailers**

Approval to import and use will be at the discretion of the Board and subject to application on the prescribed form.

#### **4.7 Plant and Equipment**

Plant and Equipment – being any conditionally registered or non-registrable vehicles such as tractors, forklifts, excavators, backhoes etc. Approval to import and use will be at the discretion of the Board and subject to written application in accordance with this Policy.

This provisions of this Policy do not relate to:

- a) Ride-on Lawn Mowers, Dingo Diggers and similar plant. Importation and use of such plant by an eligible person will be deemed to be approved by the Board.

## 5 Fees

### 5.1 Importation or Transfer

- a) Vehicles meeting the Board's Preferred Vehicle criteria will be exempt from the importation application fee.
- b) A non-refundable application fee (as listed in the LHIB Fees and Charges) per vehicle will apply to all applications for the importation or transfer of vehicles which do not meet the Board's Preferred Vehicle criteria.
- c) A non-refundable application fee (as listed in the LHIB Fees and Charges) per vehicle will apply to all applications to renew a commercial vehicle or hire vehicle approval.
- d) Box trailers will be exempt from the above fee.
- e) Boat trailers will be exempt from the above fee.

## 6 Incentives

- a) Vehicles meeting the Board's Preferred Vehicle criteria will be exempt from the Board's wharfage fee for the vehicle.
- b) Box trailers will be exempt from the wharfage fee for the vehicle (limit of one exemption per lease).

## 7 Eligibility to Import and Use

Unless otherwise provided for under this policy, no entitlement to import or use a vehicle is provided for. All applications to import or transfer and use a vehicle, including boat trailers and box trailers, will need to demonstrate a genuine need for the import or transfer, use of a vehicle, and for the vehicle selected.

The Board reserves the right to reject any application for any vehicle where it believes that a vehicle is not in the public interest and/or the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island and/or where an applicant has failed to adequately justify the need for a proposed vehicle.

An application to import or transfer and use a vehicle must be made on the prescribed form and include any additional information as the Board may require or the applicant wishes to provide.

### 7.1 Eligibility

The following persons will be eligible to apply to import or transfer a vehicle:

#### 7.1.1 Vehicles for Private Use

- 1) A person who resides in an approved dwelling on a Perpetual Lease, either as: the holder, owner, or sub-lessee of the lease or; as the owner-occupant of a multiple occupancy or ; by way of a current tenancy agreement under the *NSW Residential Tenancy Act 1987* and
  - a) has resided on the island for a continuous period of 24 months at time of application. (Proof of Tenancy will be required and should be supplied with application); and
  - b) has no existing approval for a commercial vehicle which is suitable for private use; and
  - c) does not reside with another person who has approval for a Commercial vehicle which is suitable for private use.
- 2) An employee of an Essential Service provider (other than the Board) who does not have access to the private use of a vehicle provided by the Essential Service may apply to import or transfer a preferred vehicle if they can demonstrate to the Board a genuine need for the vehicle. This

will only apply where the employee will occupy the position for a period greater than 12 months and is subject to any specification set out in the schedule of Essential Service entitlements. Any approval will be in accordance with this policy. Approval under this clause will be terminated at the cessation of employment with the Essential Service provider.

- 3) Lord Howe Island Board employees other than a person described in a), may after 12 months service staff apply to import a preferred vehicle in accordance with the Board's vehicle importation and use policy. Applications must demonstrate need for vehicle in accordance with this policy. Any approval will be in accordance with this policy. Approval to import vehicle will result in termination of private use rights of LHI Board vehicle. Approval under this clause will be terminated at the cessation of employment with the Board.
- 4) A person who can demonstrate exceptional circumstance which cannot be addressed by this policy. In such cases, the Board may exercise discretion, provided that the applicant has demonstrated that no viable alternative to the importation and use of a vehicle exists.

### **7.1.2 Vehicles for Commercial Use**

A person as per **1)** under **Private Use Eligibility** who operates an approved business on the island and can demonstrate to the satisfaction of the Board that the business requires the use of a vehicle and that the business need cannot be met from the existing island fleet.

Note: In general, the Board will only consider approval for a commercial vehicle for businesses which need to transport clients and guests and/or goods and equipment and then only when the business need cannot be serviced from an existing allocation within the island's fleet.

### **7.1.3 Vehicles for Essential Services**

Any authorised officer of an approved Essential Service, as set out in the Schedule of Essential Services in this Policy.

### **7.1.4 Vehicles for Hire**

- a) Any person eligible under this policy who is also eligible to hold a business licence under clause 49 of the *Lord Howe Island Regulation 2014*.
- b) The Board may from time to time hire out vehicles from its existing fleet where the proposed hire arrangement does not replicate or compete with an arrangement which could be provided by an approved hire vehicle operator as per **a)**.

## **7.2 Use**

Any person who is lawfully entitled to do so, may use a vehicle on the island, and such persons will be deemed to have the approval of the Board to do so, subject to that use complying with this policy, and any conditions applying to any approval given under this policy.

All vehicles will be used on the island in accordance with all relevant State and Commonwealth legislation, policies and procedures.

## **7.3 Private and Commercial Use**

Unless otherwise provided for in this policy, vehicles approved for private and/or commercial use may be used for any lawful purpose, including commercial use, except hire of the vehicle, provided that any commercial use is associated with an approved business on the island.

Where a person has approval for a private use vehicle and a commercial use vehicle, the commercial

use vehicle cannot be used for private use.

#### **7.4 Essential Services**

Vehicles approved for essential services are to be used exclusively by the essential service provider and its employees or agents for its official business. Board approval is required for Private Use of Essential Service vehicles. Private use will be limited to transferred officers of the Essential Service where the Essential Service provider has a documented policy applying to its employees or agents which allows for other uses.

Use restrictions will be set out as conditions of approval.

#### **7.5 Hire Vehicle Use**

Hire vehicles may be used for any lawful purpose, including commercial activity provided that the commercial activity is associated with an approved business on the island. Any hiring of a vehicle on the island will be subject to a lawful and documented hire agreement between the approved person (the hirer) and a person who has entered into such an agreement with the hirer (the hiree).

### **8 Allocations**

The Board may approve up to the following allocations to eligible persons (refer to Eligibility provision), subject to demonstrated need.

#### **8.1 Private Use**

One (1) vehicle per approved dwelling.

#### **8.2 Commercial Use**

One (1) vehicle per approved business licence. Where a person holds multiple business licences, additional vehicles will only be considered where there is a demonstrated need. Access to private use vehicles will be considered when assessing need.

#### **8.3 Essential Services Allocation**

Essential Services will be eligible to import vehicles as follows:

#### **8.4 Schedule of Essential Services**

<b>ESSENTIAL SERVICE</b>	<b>VEHICLE ALLOCATION</b>
Lord Howe Island Board	A fleet comprising of all vehicle types, being the minimum number of vehicles required to ensure the safe, effective and efficient delivery of the Board's charter, to a maximum of 13 road going vehicles.
NSW Police	1 Vehicle
NSW MPA	1 Vehicle
Bureau of Meteorology	1 Vehicle
NSW Education	1 Vehicle
NSW Health	1 Vehicle – Ambulance
Doctor (GP)	1 Vehicle
NSW RFS	1 Vehicle – Fire Engine

NSW SES	1 Vehicle – Emergency Response Vehicle
NSW Marine Rescue	1 boat trailer (with RIB)

## 8.5 Additional Vehicle Allocation for Hire Car Use

The *Lord Howe Island Regulation 2014* requires a separate approval for the use of a motor vehicle as a hire vehicle.

Clause 86 of that Regulation states that:

*(1) A person must not, except in accordance with the approval of the Board, hire or offer for hire a motor vehicle to any other person for use on the Island.*

*(2) This clause applies whether or not the person from whom the motor vehicle is or is to be hired, or any employee or agent of that person, is to drive or ride the motor vehicle.*

In addition to any other allocation:

- a) The Board may approve up to (8) additional vehicles on the island for use as hire vehicles. The Board reserves the right to revise this quota at any time subject to a demonstrated business need.
- b) The Board will review on an annual basis the fee charged for approval to use a car as a hire vehicle.
- c) Hire Car approvals are not transferable without the written approval of the Board.
- d) In addition to any fee applied for approval to hire a car on the island, the Board reserves the right to apply a transfer fee to any transfer of a hire car approval.
- e) Up to 4 vehicles may be allocated per applicant, to an island total of 8 hire cars.
- f) Vehicles are to be Preferred Vehicles unless otherwise agreed to by the Board.

## 9 Review of Applications

In determining any application to import or transfer a vehicle, where the application is proposed to be refused, or where the CEO believes that the application will prove controversial, the CEO will consult with, and document the majority view of the elected members regarding the application.

Where the CEO intends determining the application contrary to the majority view of the elected members, the CEO will document the reasons for doing so and provide a written briefing to the Chairperson, who will determine the matter in consultation with the Board.

## 10 Approval Periods – Importation and Use

### 10.1 Private Use Approval Period

Approval to import a vehicle for Private Use will be six (6) months. If the vehicle is not imported within that time, the approval to import will lapse and a new application must be made.

### 10.2 Commercial Approval Period

- a) Approval to import a vehicle for Commercial Use will be three (3) months. If the vehicle is not imported within that time, the approval to import will lapse and a new application must be made.
- b) Approval to use a commercial vehicle on the island will cease when the business ceases, as evidenced by termination of a business licence.

- c) A commercial vehicle cannot be used for private use where a person also has approval for a private vehicle (other than when the private use vehicle is a motor bike, motor scooter etc).

### 10.3 Hire Vehicle Approval Period

- a) Approval to import a vehicle under Hire Vehicle allocation will be six (6) months. If the vehicle is not imported within that time, the approval to import will lapse and a new application must be made.
- b) Approval to use a Hire Vehicle on the island will, unless otherwise varied at the discretion of the Board, be for five (5) years, subject to annual review. At the end of the approval period, the owner of the vehicle must reapply to retain and use the vehicle on the island, based on a demonstrated business need. Note renewal fees apply.

## 11 Approval Conditions

The Board may apply such conditions as it deems necessary to any approval to import and/or use a vehicle on the island. In particular, the Board will apply conditions to safeguard the public interest and to minimise the impacts of vehicle use on the natural, built, social and economic environment of the island.

For any vehicle (including a trailer, plant and equipment) to be imported, the importer must provide a statutory declaration stating that the vehicle has been inspected and cleaned with a high pressure hose to ensure that no weeds, seeds, insects, spiders, etc. are transported to the island. Such a declaration is required to be submitted to the Board prior to the vehicle leaving the mainland.

Approvals to import a vehicle for private use will be specific for the applicant and a dwelling. The approval will include details of the dwelling where the vehicles are allocated.

Where the circumstances of the owner of an approved private vehicle change resulting in a new place of residence (approved dwelling) on Lord Howe Island, the vehicle approval is terminated. The owner of the vehicle must reapply under the conditions of this policy. The vehicle owners' circumstances will be considered when assessing this new application and special consideration may be given.

Where the owner of a private use vehicle leaves the island the vehicle must be garaged at the approved dwelling and the approval to use the vehicle is suspended until the owner returns to the island. In circumstances where the vehicle is used by a family member who normally resides with the vehicle owner and does not have access to another private use vehicle, the family member may continue to use the vehicle during the period of owner absence.

In the case of deceased estates, where a private use vehicle is attached to the dwelling of the deceased, the vehicle must remain garaged at the approved dwelling and its use suspended until the administration of the estate has been completed. Where the executor or a caretaker living on the estate does not have access to another private use vehicle, these persons may use the vehicle during the period of administration.

In determining any development consent in its role as a Consent Authority under the *NSW Planning and Assessment Act 1979*, or application for a Business Licence under clause 49 of the *Lord Howe Island Regulation 2014*, the Board will consider: whether the development and/or activity will require the importation and use of vehicles additional to those provided for under the **Private Use Allocation** and the potential impact of the importation and use of the vehicle/s including whether it is in the public interest and whether the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island.

### **11.1 Breach of Approval**

Failure to comply with the conditions of approval will be deemed a breach of the Board's approval and may result in that approval being withdrawn and the vehicle being removed from the island.

Where the Board believes a Breach of the approval has occurred, the Board's Administration will write to the vehicle owner advising them of the alleged breach and asking them to respond to the allegation and justify as to why their approval should not be revoked. Vehicle owners will have 14 calendar days to respond. Failure to respond within the prescribed timeframe will result in immediate revocation of approval.

Following termination of approval the Board's Administration will write to the vehicle owner of this revocation of approval instructing the vehicle owner to not use the vehicle and remove the vehicle from the island within 60 days.

Vehicle Owners may reapply to the Board for approval. Until approval has been granted the vehicle is not to be used.

### **12 Vehicle Replacement**

Unless a case for exceptional circumstances can be established to the satisfaction of the Board, replacement of vehicles will be on a 'one on – one off' basis,

Where the applicant has another vehicle (commercial or private use) that is suitable for use, the applicant must demonstrate the need to replace the vehicle.

### **13 Vehicle Transfers**

Vehicle approvals will not be transferable without the written approval of the Board. Prior to granting an approval, the Board needs to be satisfied that there is a demonstrated need for the transfer. Failure to demonstrate that need will result in approval not being granted.

Applications to transfer will be made on the prescribed form and will be determined in accordance with this policy.

In addition to any fee applied for lodging an application seeking approval of a vehicle on the island, the Board reserves the right to apply a transfer application fee to any request to transfer any vehicle.

In the case of a private vehicle, the transfer fee will be the equivalent of the appropriate importation fee.

### **14 Delegations**

The Chief Executive Officer of the Board is delegated to determine any application made under this policy, provided that the application complies with this policy.

The Chief Executive Officer of the Board is delegated to suspend or withdraw any approval given under this policy where it can be established to the satisfaction of that officer that a significant breach of the conditions of approval has occurred.

In determining any application to import or transfer a vehicle, where the application is proposed to be refused, or where the CEO believes that the application will prove controversial, the CEO will consult with, and document the majority view of the elected members regarding the application.

Where the CEO intends determining the application contrary to the majority view of the elected members, the CEO will document the reasons for doing so and provide a written briefing to the Chairperson, who will determine the matter in consultation with the Board.

## **15 Reporting and Monitoring**

The Lord Howe Island Board will maintain a Vehicle Approvals Register, which will include:

- a) The names, addresses and number and type of vehicles of persons approved to import and use a vehicle;
- b) Category of Approval (Private, Commercial, Hire etc);
- c) Conditions of Approval;
- d) Approval Period;
- e) Types of Vehicles Held; and
- f) Registration Details of all Vehicles Held.

The Chief Executive Officer of the Board will provide to the Board at each meeting, a report on:

- a) Vehicle applications approved or rejected since the last meeting and a statement detailing the reasons for approval or rejection addressing the matters required to be considered in the Policy and any alternatives to the importation and use of the vehicle;
- b) Cumulative total of vehicles on the island at the time of the report, including a breakdown of vehicle types and use (ie essential, commercial, private, hire etc).

**16 Attachment: Application to Import a Vehicle**

# LORD HOWE ISLAND BOARD

## APPLICATION TO IMPORT A VEHICLE

### Under Clauses 84 and 87 of the *Lord Howe Island Regulation 2014*

Approval to import and use a vehicle on the island will be subject to the provisions of the *Lord Howe Island Board Vehicle Importation, Transfer and Use Policy* (the Policy). Please read this policy prior to completing this form. No entitlement to import or use a vehicle is provided for under this policy. All applications to import and use a vehicle will need to demonstrate a genuine need for the importation and use of a vehicle, and for the vehicle selected. The Board reserves the right to reject any application for any vehicle where it believes that a vehicle is not in the public interest and/or the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island and/or where an applicant has failed to adequately justify the need for a proposed vehicle.

Please note that a non-refundable application fee (as listed in the Board's annual fees and charges) applies to the importation of a motor vehicle.

#### APPLICATION FEE

Total fees lodged: ..... Receipt No.: ..... Receiving Officer: .....

#### APPLICANT DETAILS

Name: .....

Email: ..... Phone: .....

Portion/Lot and Plan/DP number: ..... Perpetual Lease No:.....

Type of Approved dwelling (house, flat, staff accommodation): .....

#### Is this vehicle application for (please select one option):

Private Use                       Commercial Use                       Essential Service                       Hire Use

**On what basis are you eligible to apply for the importation and use of a vehicle under the policy? Please complete the Private, Commercial, Essential or Hire section below:**

**Private Use**                      Note: Refer section 7.1.1 and 8.1 of the policy.

Please indicate which of the following a,b,c,d or e private use descriptions apply to you:

- a.  Is a person who resides in an approved dwelling on Perpetual Lease as either:
- i.  the holder/owner OR
  - ii.  sub-lessee of the lease OR
  - iii.  as the owner-occupant of a multiple occupancy OR
  - iv.  by way of a current tenancy agreement under the NSW Residential Tenancy Act 1987

AND  Has resided on the island for a continuous period of 24 months at time of application. Proof of Tenancy will be required and should be supplied with application. OR

- b.  An employee of an Essential Service provider (for more information refer to the Policy) OR
- c.  Lord Howe Island Board employees other than a person described in a) (for more information refer to the Policy) OR
- d.  A person who can demonstrate exceptional circumstance which cannot be addressed by this policy. Application demonstrates that there is no viable alternative to the importation and use of a vehicle as attached. OR
- e.  A person as per a) under Private Use Eligibility who:
- i. has no existing approval for a commercial vehicle which is suitable for private use

- ii. Does not reside with another person who has approval for a Commercial vehicle which is suitable for private use.

**Commercial** Note: Refer section 7.1.2 and 8.2 the policy.

A person who meets the private use eligibility (also complete private use section a – e above), who operates an approved business on the island and can demonstrate to the satisfaction of the Board that the business requires the use of a vehicle and that the business need cannot be met from the existing island fleet.

Name of approved business:.....

**Essential** Note: Refer section 7.1.3 and 8.4 the policy.

Name of essential service provider as per Schedule of Essential Services in the policy: .....

**Hire** Note: Refer section 7.1.4, 7.5 and 8.5 the policy.

Name of business licence and approved hire car permit holder: .....

**VEHICLE TO BE IMPORTED**

Make: ..... Model: .....

Engine Capacity: ..... No. of Cylinders: .....

Body Type (e.g. Hatch, Station wagon, Utility): .....

Unladen Weight (in Tonnes or Kgs): .....

4WD or 2WD: ..... Registration No.: .....

Fuel Type (e.g. Petrol, Diesel, Electric): .....

Dimensions of vehicle: See maximum vehicle size limits in section 3.7 and 3.8 of this policy.

Length (mm): ..... Width (mm): ..... Height (mm): .....

**Is this vehicle a preferred vehicle as per section 4.1 of the Vehicle, Importation, Transfer and Use policy?**

- a)  A motor vehicle meeting the requirements as per 4.1 (a) of the policy?
- b)  Electric Vehicle meeting the requirements as per 4.1 (b) of the policy?
- c)  Motor Scooters meeting the requirements as per 4.1 (c) of the policy?

If the vehicle applied for meets the Board’s preferred vehicle criteria, the Board will give preference, by way of incentives, to the importation and use of small and low impact vehicles (see section 5.1 (a) and 6 (a) of the policy). To receive the incentives, please provide a copy of your vehicle’s registration paper and wharfage invoice on importation of your vehicle and a short letter or email requesting reimbursement of the incentives.

**Is this vehicle electric or hybrid?**

Yes No

**Is a Bull bars/Roo bars/Nudge bar fitted?** Refer section 3.12 of the policy and demonstrate that the winch is essential to the vehicle’s use.

Yes No

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NOTE: Please attach an additional sheet if space is inadequate.

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**Please state whether you considered alternatives to the vehicle selected, including an alternative form of transport:**

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NOTE: Please attach an additional sheet if space is inadequate.

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**APPLICANT'S DECLARATION**

I ..... being the applicant, hereby declare that the information provided above is true and accurate and make application to import a vehicle in accordance with the above.

Signature: ..... Date: .....

**17 Attachment: Application to Transfer a Vehicle**

# LORD HOWE ISLAND BOARD

## APPLICATION TO TRANSFER A VEHICLE

### Under Clauses 84 and 87 of the *Lord Howe Island Regulation 2014*

Approval to transfer and use a vehicle on the island will be subject to the provisions of the *Lord Howe Island Board Vehicle Importation, Transfer and Use Policy* (the Policy). Please read this policy prior to completing this form. No entitlement to transfer or use a vehicle is provided for under this policy. All applications to transfer and use a vehicle will need to demonstrate a genuine need for the transfer and use of a vehicle, and for the vehicle selected. The Board reserves the right to reject any application for any vehicle where it believes that a vehicle is not in the public interest and/or the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island and/or where an applicant has failed to adequately justify the need for a proposed vehicle.

Please note that a non-refundable application fee (as listed in the Board's annual fees and charges) applies to the transfer of a motor vehicle.

NOTE: In the case of a commercial vehicle, including a private vehicle which is transferred as a commercial vehicle, the Board will require the transferor and the proposed transferee to provide a Statutory Declaration stating that the proposed price to be paid between those parties regarding the transfer of the vehicle is no greater than current market value of the vehicle, plus freight and wharfage costs. The Board will levy a non-refundable application fee of no greater than 10% of that amount.

#### APPLICATION FEE

Total fees lodged: ..... Receipt No.: ..... Receiving Officer: .....

#### TRANSFEROR DETAILS (Person selling vehicle)

Name: .....

Email: ..... Phone: .....

Portion/Lot and Plan/DP Number: ..... Perpetual Lease No: .....

#### TRANSFEEE DETAILS (Person buying vehicle)

Name: .....

Email: ..... Phone: .....

Portion/Lot and Plan/DP Number: ..... Perpetual Lease No: .....

Type of Approved Dwelling (house, flat, staff accommodation): .....

#### Is this vehicle application for (please select one option):

Private Use       Commercial Use       Essential Service       Hire Use

**On what basis are you eligible to apply for the importation and use of a vehicle under the policy? Please complete the Private, Commercial, Essential or Hire section below:**

**Private Use**      Note: Refer section 7.1.1 and 8.1 of the policy.

Please indicate which of the following a,b,c,d or e private use descriptions apply to you:

- a.  Is a person who resides in an approved dwelling on Perpetual Lease as either:

- i.  the holder/owner OR
- ii.  sub-lessee of the lease OR
- iii.  as the owner-occupant of a multiple occupancy OR
- iv.  by way of a current tenancy agreement under the NSW Residential Tenancy Act 1987

AND  Has resided on the island for a continuous period of 24 months at time of application. Proof of Tenancy will be required and should be supplied with application. OR

- b.  An employee of an Essential Service provider (for more information refer to the Policy) OR
- c.  Lord Howe Island Board employees other than a person described in a) (for more information refer to the Policy) OR
- d.  A person who can demonstrate exceptional circumstance which cannot be addressed by this policy. Application demonstrates that there is no viable alternative to the importation and use of a vehicle as attached. OR
- e.  A person as per a) under Private Use Eligibility who:
  - i. has no existing approval for a commercial vehicle which is suitable for private use
  - ii. Does not reside with another person who has approval for a Commercial vehicle which is suitable for private use.

**Commercial** Note: Refer section 7.1.2 and 8.2 the policy.

A person who meets the private use eligibility (also complete private use section a – e above), who operates an approved business on the island and can demonstrate to the satisfaction of the Board that the business requires the use of a vehicle and that the business need cannot be met from the existing island fleet.

Name of approved business:.....

**Essential** Note: Refer section 7.1.3 and 8.4 the policy.

Name of essential service provider as per Schedule of Essential Services in the policy: .....

**Hire** Note: Refer section 7.1.4, 7.5 and 8.5 the policy.

Name of business licence and approved hire car permit holder: .....

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**VEHICLE TO BE IMPORTED**

Make: ..... Model: .....

Engine Capacity: ..... No. of Cylinders: .....

Body Type (e.g. Hatch, Station wagon, Utility): .....

Unladen Weight (in Tonnes or Kgs): .....

4WD or 2WD: ..... Registration No.: .....

Fuel Type (e.g. Petrol, Diesel, Electric): .....

Dimensions of vehicle: See maximum vehicle size limits in section 3.7 and 3.8 of this policy.

Length (mm): ..... Width (mm): ..... Height (mm): .....

**Is this vehicle a preferred vehicle as per section 4.1 of the Vehicle, Importation, Transfer and Use policy?**

- a)  A motor vehicle meeting the requirements as per 4.1 (a) of the policy?
- b)  Electric Vehicle meeting the requirements as per 4.1 (b) of the policy?
- c)  Motor Scooters meeting the requirements as per 4.1 (c) of the policy?

If the vehicle applied for meets the Board’s preferred vehicle criteria, the Board will give preference, by way of incentives, to the importation and use of small and low impact vehicles (see section 5.1 (a) and 6 (a) of the policy). To receive the

incentives, please provide a copy of your vehicle’s registration paper and wharfage invoice on importation of your vehicle and a short letter or email requesting reimbursement of the incentives.

**Is this vehicle electric or hybrid?**

Yes  No

**Is a Bull bars/Roo bars/Nudge bar fitted?** Refer section 3.12 of the policy and demonstrate the essential use below.

Yes  No

.....  
 .....

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**Do you own or have use of other vehicles on the island?**

Yes  No

NOTE: ‘Vehicle’ includes a road registered/registrable motorcycle or scooter.

**If yes, please specify:**

MAKE	MODEL	REGISTRATION	APPROVED USE e.g. Private, Commercial, Essential

**Will the vehicle to be imported replace one of the above vehicles?**

Yes  No

If yes, which vehicle is being replaced? .....

NOTE: Unless otherwise approved by the Board, the vehicle being replaced must be removed from the island within the timeframe specified by the Board.

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**Please provide a detailed justification of why you require a vehicle and the specific vehicle applied for:**

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 .....  
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NOTE: Please attach an additional sheet if space is inadequate.

**Please state whether you considered alternatives to the vehicle selected, including an alternative form of transport:**

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**TRANSFEROR'S DECLARATION**

I ..... being the transferor, hereby declare that the information provided above is true and accurate and make application to transfer a vehicle in accordance with the above.

Signature: ..... Date: .....

**TRANSFeree'S DECLARATION**

I ..... being the transferee, hereby declare that the information provided above is true and accurate and make application to transfer a vehicle in accordance with the above.

Signature: ..... Date: .....

File Ref: ED17/6380  
Enquiries: Penny Holloway

3 November 2017

Darren Hulm  
Manager, Operations North  
Roads and Maritime Services  
Post Office Box 426  
BALLINA NSW 2478



Administrative Office  
P.O. Box 5  
Lord Howe Island 2898

Phone: 02 6563 2066  
Facsimile: 02 6563 2127  
Email: [administration@lhib.nsw.gov.au](mailto:administration@lhib.nsw.gov.au)

Dear Darren

**RE: Application to Import an Essential Services Fuel Trailer**

I refer to your application requesting approval for the importation of an essential services fuel trailer to be used by LHI Port Operations and the NSW Police.

I advise that approval has been granted by the Board, subject to the following conditions:

- 1) Approval is issued for the importation of a Macleay Fuel Trailer, Registration Number: TD26SC as an Essential Services vehicle under the 'Vehicle Importation & Use Policy' to be used by the LHI Port Operations and the NSW Police in their operations.
- 2) Prior to importation you must ensure that the trailer has been inspected and cleaned with high pressure hoses to ensure no weeds, seeds, insects, spiders etc are transported to the Island, or that it has been delivered direct to the freight vessel from the dealership without being driven on public roads.
- 3) The imported trailer must not be further sold or transferred on the island without the Board's written approval.
- 4) This approval to import is valid for a period of 3 months from the date of this letter and is subject to details submitted in your application form.

Should you need further information regarding this matter, please contact the Board office on 6562 2066 at your convenience.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Penny Holloway'.

Penny Holloway  
CHIEF EXECUTIVE OFFICER

## Transport for NSW - Maritime



Mrs Suzie Christensen  
Chief Executive Officer  
Lord Howe Island Board  
LORD HOWE ISLAND NSW 2898

Via email: [administration@lhib.nsw.gov.au](mailto:administration@lhib.nsw.gov.au)

---

### **SUBMISSION TO THE LORD HOWE ISLAND BOARD REGARDING THE REVIEW OF THE VEHICLE IMPORTATION TRANSFER AND USE POLICY**

15 August 2022

**Dear Suzie,**

Transport for NSW (TfNSW) Maritime would like to submit comments associated with the 'Vehicle Importation, Transfer and Use Policy (the "Policy")' for consideration during upcoming review by the Lord Howe Island Board.

TfNSW Maritime have provided services to Lord Howe Island (LHI) since the early 1980s and it appears that for various reasons or oversight, that TfNSW Maritime has not been formally recognised in Section 8.4 "Schedule of Essential Services". It is possible that this omission may have occurred during various changes to the former Maritime Services Board (MSB) and its associated entities in subsequent years. In the current day, TfNSW Maritime is responsible for boating safety, education and compliance and marine pollution response functions at Lord Howe Island.

It is considered that TfNSW Maritime continues to provide an ongoing commitment to Maritime Safety and Marine Pollution Response on Lord Howe Island and has committed to a number of assets and resources necessary to carry out these tasks. As such it is proposed that TfNSW Maritime be included in section 8.4 of the Policy to be formally recognised as an essential service on LHI for the following reasons:

The Primary role of TfNSW Maritime on Lord Howe Island includes:

- Provide oversight of navigational safety within Lord Howe Island Lagoon (Lagoon) and surrounding State waters.
- Provide oversight of the security of all NSW Government owned maritime infrastructure.
- Coordinate any initial response to a marine pollution incident within the lagoon and surrounding State waters with assistance from NSW Police, Lord Howe Island Board, and relevant agencies. Assist with any initial response to a maritime distress incident with supervision and direction from the Australian Maritime Safety Authority and Marine Rescue NSW.
- Assist with any maritime salvage or towing operation within the Lagoon and State waters with supervision from NSW Police and delegated Transport for NSW staff, and Marine Rescue.

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- Coordinate and control shipping entering, departing, and moving within the Lagoon. Including the movements of the Island resupply vessel, and other commercial vessels entering Lord Howe Island.
- The safety of vessels which anchor outside the Lagoon within State waters. Including any instances of serious breaches to navigational safety, security of infrastructure and marine pollution incidents.
- Undertake preventative maintenance and ensure oil spill response equipment is functional at all times.
- Undertake inspection of navigation aids and signage and report outages.
- Provide support to the LHI Port Operations Manager (NSW Police Officer).

TfNSW operational functions are:

### **1. Marine Pollution Response**

TfNSW Maritime provide a Tier 1 Marine Oil and Chemical Pollution Spill contingency unit on LHI, consisting of a large amount of marine Pollution response equipment. It is essential that any marine pollution event, in any location on the island, is responded to quickly and efficiently to ensure minimising damage to the marine and terrestrial environment. TfNSW Maritime is the designated combat agency for Marine Pollution response in NSW which includes the waters of Lord Howe Island.

### **2. Asset Management**

TfNSW Maritime has an eight (8) metre work vessel stationed on LHI, the vessel provides essential support to marine pollution contingency and is used for maintaining and servicing LHI's marine navigational aids within LHI waters. The vessel is used to undertake regular safety patrols during peak seasons and assist various government agencies such as the NSW Police, Marine Park Authority and the LHI Board by providing transport of staff for various projects when required. The vessel requires regular servicing and mandatory survey inspections, to ensure it is operational. Due to current constraints associated with slipping and removing vessels from the water on LHI, a purpose built trailer is required. A TfNSW fuel trailer is also stationed on the Island which is used to refuel the vessel. This trailer complies with all Australian Standards for storage of fuel and minimises any risk of fuel spills. This negates the need for the use of jerry cans which is a WHS Issue. The trailer can be stored in a secure shed owned by TfNSW Maritime.

### **3. Emergency Management/Shipping Management**

TFNSW Maritime continues to play a role in on water Emergency Management on LHI. Up until the establishment of NSW Marine Rescue in 2021, NSW Maritime provided the Island with a marine search and rescue capability and assisted many vessels to safety. Although no longer the first response vessel, it is likely that TfNSW employees and vessel will be utilised as support in the event of any maritime incident or local emergency response.

TfNSW Maritime provides technical and navigational advice on commercial vessel and shipping matters, such as the routine LHI Trader service and incidental vessel movements such as the recent cattle barge arrival. These interactions are vital to safe navigational practices and minimise potential navigational and pollution risks. TfNSW Maritime is the Statutory Authority for all matters pertaining to the Marine Safety Act 1998 & Marine Pollution Act 2012.

It is not envisaged that the roles and responsibilities of TfNSW Maritime will change in the foreseeable future. In order to continue to provide these essential services to LHI, and to be effective, TfNSW request that the following vehicle allocations under section 8.4 of the Policy be considered:

- 1 - 4 x 4 utility vehicle; and
- 1 x boat trailer; and
- 1 x fuel trailer.

TfNSW Maritime is quite open to make these assets available to other agencies such as Marine Parks or Marine Rescue which would allow for greater flexibility and sharing of resources, reducing the need to further increase Island assets. I acknowledge the environmental and social effects of changes to the Policy, however, hopefully this can be viewed as a positive outcome for the safety of residents and visitors to Lord Howe Island.

Should you require further information in consideration of this request, please contact me by phone on 0418 494 153 or by email to: [rod.mcdonagh@transport.nsw.gov.au](mailto:rod.mcdonagh@transport.nsw.gov.au)

Sincerely,



Rod McDonagh  
Manager Waterways Operations – North  
Transport for NSW Maritime

**From:** [Alex Hamilton](#)  
**To:** [Lynda Shick](#); [Suzie Christensen](#); [Administration Office, Lord Howe Island Board](#)  
**Cc:** [Rod Mcdonagh](#); [Navigation Advice North](#)  
**Subject:** RE: Transport for NSW Maritime - Request re: Vehicle Importation Transfer and Use Policy  
**Date:** Tuesday, 1 November 2022 11:43:35 AM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

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Hi Lynda,

I spoke with Rod McDonagh late last week who will be back in his role as of the 14 November. Rod has advised that the vehicle and fuel trailer will be stored at the Transport for NSW shed that is located at the Police Station. It is proposed that the vessel will be located on the grassed area adjacent to the Oil Spill response shed, next to the Marine Parks vessel, or at another location suitable to the Board.

Maritime has had issues with being able to undertake regular maintenance on the current in-water vessel, to the point it now has to be shipped back for repairs and maintenance. The ability to put a vessel on a trailer, undertake maintenance and keep it out of the elements would be extremely beneficial.

If you have any further questions, please let me know.

Regards,

**Alex Hamilton**

A/ Manager Waterway Operations North  
Maritime  
Greater Sydney  
**Transport for NSW**

**M** 0428 740 520 **E** [alex.hamilton@transport.nsw.gov.au](mailto:alex.hamilton@transport.nsw.gov.au)

[transport.nsw.gov.au](http://transport.nsw.gov.au)



---

**From:** Lynda Shick <[Lynda.Shick@lhib.nsw.gov.au](mailto:Lynda.Shick@lhib.nsw.gov.au)>

**Sent:** Wednesday, 26 October 2022 3:42 PM

**To:** Suzie Christensen <[Suzie.Christensen@lhib.nsw.gov.au](mailto:Suzie.Christensen@lhib.nsw.gov.au)>; Alex Hamilton <[Alex.Hamilton@transport.nsw.gov.au](mailto:Alex.Hamilton@transport.nsw.gov.au)>; administration <[administration@lhib.nsw.gov.au](mailto:administration@lhib.nsw.gov.au)>

**Cc:** Rod Mcdonagh <[Rod.McDonagh@transport.nsw.gov.au](mailto:Rod.McDonagh@transport.nsw.gov.au)>; Navigation Advice North

<navigationadvicenorth@transport.nsw.gov.au>

**Subject:** RE: Transport for NSW Maritime - Request re: Vehicle Importation Transfer and Use Policy

**Importance:** High

Some people who received this message don't often get email from [lynda.shick@lhib.nsw.gov.au](mailto:lynda.shick@lhib.nsw.gov.au). [Learn why this is important](#)

**CAUTION:** This email is sent from an external source. Do not click any links or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon

As advised by Suzie Christensen, a business paper will be considered at the December Board Meeting in relation to your request.

You have applied for an allocation of three vehicles, can you please advise where these vehicles will be garaged, this information is required for the business paper.

Kind Regards

Lynda Shick  
Land & Property Officer  
Lord Howe Island Board  
PO Box 5 Lord Howe Island NSW 2898  
**T:** 02 65632066 (Ext 35)  
**E:** [lynda.shick@lhib.nsw.gov.au](mailto:lynda.shick@lhib.nsw.gov.au)

Work days: Tuesday to Friday (excluding Public Holidays)

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---

**From:** Suzie Christensen

**Sent:** Tuesday, 18 October 2022 10:12 AM

**To:** 'Alex Hamilton' <[Alex.Hamilton@transport.nsw.gov.au](mailto:Alex.Hamilton@transport.nsw.gov.au)>; Administration Office, Lord Howe Island Board <[administration@lhib.nsw.gov.au](mailto:administration@lhib.nsw.gov.au)>

**Cc:** Rod Mcdonagh <[Rod.McDonagh@transport.nsw.gov.au](mailto:Rod.McDonagh@transport.nsw.gov.au)>; Navigation Advice North <[navigationadvicenorth@transport.nsw.gov.au](mailto:navigationadvicenorth@transport.nsw.gov.au)>

**Subject:** RE: Transport for NSW Maritime - Request re: Vehicle Importation Transfer and Use Policy

Hi there Alex and Rod,

The TSNW submission will be considered at the December Board meeting,

The comment period recently was specifically relating to changed advertised, and yours was a new submission.

We effectively need to go through that process again for your request.

So we'll advise you after that.

Regards,

Suzie

**Suzie Christensen**

CEO

Lord Howe Island Board

[Suzie.Christensen@LHIB.nsw.gov.au](mailto:Suzie.Christensen@LHIB.nsw.gov.au)

02 6563 2066

PO Box 5

Lord Howe Island NSW 2898

---

**From:** Alex Hamilton <[Alex.Hamilton@transport.nsw.gov.au](mailto:Alex.Hamilton@transport.nsw.gov.au)>

**Sent:** Thursday, 29 September 2022 5:08 PM

**To:** Administration Office, Lord Howe Island Board <[administration@lhib.nsw.gov.au](mailto:administration@lhib.nsw.gov.au)>

**Cc:** Rod McDonagh <[Rod.McDonagh@transport.nsw.gov.au](mailto:Rod.McDonagh@transport.nsw.gov.au)>; Navigation Advice North <[navigationadvicenorth@transport.nsw.gov.au](mailto:navigationadvicenorth@transport.nsw.gov.au)>

**Subject:** FW: Transport for NSW Maritime - Request re: Vehicle Importation Transfer and Use Policy

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Good afternoon Suzie,

I am currently filling in for Rod McDonagh whilst he is on annual leave until Mid-November. I believe there has been a recent submission to the Lord Howe Island Board from Transport for NSW in regards to the Vehicle Importation Transfer and Use Policy. Apologies for neither Rod or I being able to attend in person. Christo has suggested that I reach out to you to see what the outcome of the proposal was at the recent Board Meeting was.

Are you able to provide an update, or minutes from the Board meeting so that I can determine next steps.

Kind regards,

**Alex Hamilton**

A/ Manager Waterway Operations North

Maritime

Greater Sydney

**Transport for NSW**

**M** 0428 740 520 **E** [alex.hamilton@transport.nsw.gov.au](mailto:alex.hamilton@transport.nsw.gov.au)

[transport.nsw.gov.au](http://transport.nsw.gov.au)



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**From:** Navigation Advice North <[navigationadvicenorth@transport.nsw.gov.au](mailto:navigationadvicenorth@transport.nsw.gov.au)>  
**Sent:** Tuesday, 16 August 2022 9:13 AM  
**To:** administration <[administration@lhib.nsw.gov.au](mailto:administration@lhib.nsw.gov.au)>  
**Cc:** Rod Mcdonagh <[Rod.McDonagh@transport.nsw.gov.au](mailto:Rod.McDonagh@transport.nsw.gov.au)>; Christopher Haselden <[Christopher.Haselden@transport.nsw.gov.au](mailto:Christopher.Haselden@transport.nsw.gov.au)>  
**Subject:** Transport for NSW Maritime - Request re: Vehicle Importation Transfer and Use Policy

Good morning Suzie,

Please find the attached letter from Transport for NSW Maritime regarding the review of the Lord Howe Island Vehicle Importation Transfer and Use Policy.

Kind regards,

**Todd Adamson**

Waterways Operations Officer - North  
Greater Sydney  
**Transport for NSW**

**M** 0436 445 351 **T** 13 12 36 **E** [todd.adamson@transport.nsw.gov.au](mailto:todd.adamson@transport.nsw.gov.au)

[transport.nsw.gov.au](http://transport.nsw.gov.au)

2/16 Isles Drive  
Coffs Harbour NSW 2450



I acknowledge the Aboriginal people of the country on which I work, their traditions, culture and a shared history and identity. I also pay my respects to Elders past and present and recognise the continued connection to country.

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# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

---

Adoption of Pesticide Use Notification Plan (post-public notice)

#### Recommendations

---

1. **Adopt** the reviewed and exhibited Pesticide Use Notification Plan (Attachment A & B to this report).

#### Current position

---

The current version of the Pesticide Use Notification Plan was adopted at the Board Meeting in September 2015, with a three-year renewal schedule.

This schedule has been delayed; however, a review of the plan has now been conducted and a draft plan has been available on public exhibition for a period of 28 days from Wednesday November 2nd to Wednesday November 30th (close of business).

#### Submissions

**TO BE ADDED 1/12/22 AFTER EXHIBITION CLOSURES – CURRENTLY NO SUBMISSIONS (24/11/22)**

#### Attachments

---

Attachment	Title
A	Householder - Review of the Board's Pesticide Use Notification Plan (2 Nov)
B	Changes to Pesticide Use Notification Plan 2015 vs 2022

#### Approval and contact

---

Approver	Position

Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Darcelle Matassoni	Acting/ Snr Manager Environment and Community Services

DRAFT

# LORD HOWE ISLAND BOARD

## REVIEW OF THE BOARD'S PESTICIDE USE NOTIFICATION PLAN

The current version of the Pesticide Use Notification Plan was adopted at the Board Meeting in September 2015, with a three-year renewal schedule.

This schedule has been delayed; however, a review of the plan has now been conducted and a draft plan is available on public exhibition for a period of 28 days from Wednesday November 2<sup>nd</sup> to Wednesday November 30<sup>th</sup> (close of business).

Please see attached draft policy.

Copies of the policy will be on display at the Board's Administration Office during normal business hours and electronic copies can be found on the Board's website <https://www.lhib.nsw.gov.au/board/public-notice> .

To make a submission on the policy, please email [administration@lhib.nsw.gov.au](mailto:administration@lhib.nsw.gov.au) or write to:

Lord Howe Island Board  
PO Box 5  
Lord Howe Island NSW 2898



Suzie Christensen  
Chief Executive Officer

Date: 2 Nov 2022



# LORD HOWE ISLAND BOARD PESTICIDE USE NOTIFICATION PLAN

DRAFT

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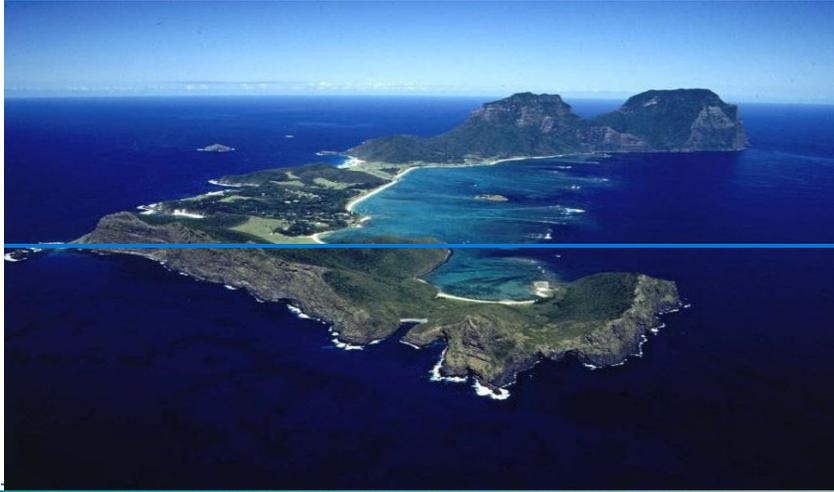
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[Photo. Courtesy Jack Shick](#)

Published by:

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[September 2015](#)

28 November 2022

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a) [Outdoor recreation areas, cemetery and roads, road reserves, utility or other easements accessible to the public](#).....15

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# PESTICIDE USE NOTIFICATION PLAN

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## 1. INTRODUCTION

This ~~pesticide use notification plan~~ Pesticide Use Notification Plan (PUNP) has been prepared in accordance with the requirements of the *Pesticides Regulation 2009* ~~2017~~ (the Regulation). The PUNP sets out how the Lord Howe Island Board (LHIB) will notify members of the community of pesticide applications it makes or allows to be made to public places that it owns or controls.

The aim of this plan is to meet the community's general right to know about pesticide applications made to outdoor public places that are owned or controlled by public authorities. The plan allows members of the community to take action to avoid contact with pesticides, if they wish. The ~~Lord Howe Island Board (LHIB)~~ ensures that pesticides are applied to public places in a safe, responsible manner, minimising harm to the community or the environment.

The plan sets out how the LHIB will notify members of the community of pesticide applications made by the LHIB to public places that it owns or controls.

The plan describes:

- what public places are covered by the plan;
- who regularly uses these public places and an estimate of the level of use;
- how and when the LHIB will provide the community with information about its
- pesticide applications in public places (i.e. what notification arrangements will be used);
- how the community can access this plan and get more information about the LHIB's notification arrangements;
- the LHIB's notification arrangements;
- how future reviews of the plan will be conducted ~~and;~~
- contact details for anyone wishing to discuss this plan with the LHIB: and
- This plan addresses a component of special protection measures that will be taken if the LHIB's Corporate Plan pesticide is proposed to be used adjacent to a sensitive place.

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The LHIB ~~Corporate Plan aims to develop programs~~ uses pesticides in public places when necessary to eliminate weeds, insects/invertebrate and projects which vertebrate pests, to protect public places and LHIB built and environmental assets from pest damage, protect and enhance public health and to invest in resources and systems to enhance the Board's capacity as a land administrator, Islands World Heritage value and consent authority to protect the users of public places from nuisance and danger.

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The majority of ~~pesticide use~~ pesticides used by the LHIB consists of applying herbicides for weed control, insecticides for insect control, placing rodenticides in locked bait stations for a rodent incursion and applying ~~insecticides to manage certain insect pests. Bait insecticides~~ fungicides to treat Phytophthora and Myrtle Rust.

LHIB pest and weed management programs aim to use best practice techniques; that is, methods that are used for ant control to protect Lord Howe Island's (LHI) unique flora and fauna and public safety wherever this is considered an target-specific, humane and cost-effective solution. Other pesticides used include fungicides and

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~~rodenticides to~~. This often requires an integration of a range of control rats and mice methods.

Further information on the LHIB's pesticide use can be obtained by calling the LHIB on 02 6563 2066 or visiting the LHIB website: [lhib.nsw.gov.au](http://lhib.nsw.gov.au)

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## 2. PUBLIC PLACES COVERED BY THIS PLAN

The LHIB proposes to use or allow the use of pesticides in the following categories of outdoor public places on LHI:

- the playground;
- picnic/BBQ areas;
- vacant crown land;
- crown land reserved and dedicated for public purposes;
- crown land reserved and dedicated for preserving native flora and fauna including the LHI Permanent Park Preserve (PPP), and Stevens Reserve;
- sporting fields and ovals;
- certain buildings and facilities controlled or owned by the LHIB;
- road verges and road reserves and
- ~~ease~~ments ~~other lands~~ accessible to the public.

Most pesticide use by LHIB consists of applying herbicides for weed control and the use of registered chemical products to control pest animals. Minor uses of other pesticides include but are not limited to applying insecticides to control certain insect pests, termiticides to protect buildings, fungicides to control pathogens, and rodenticides to control rodents. The public places, main user groups and the frequency of use, along with the types of pesticides used are summarised in the following table.

The main user groups of, and types of pesticide use in each of these categories of public places is summarised in the following table.

**Table 1 Regular user groups, level of use of public places, and types of pesticides used in public places controlled or managed by LHIB.**

Public places Controlled by the LHIB	Regular user groups	Level of use of public place	Type of pesticide use
Playground	<ul style="list-style-type: none"> <li>• local residents</li> <li>• visitors</li> <li>• children</li> <li>• young families</li> </ul>	High	<ul style="list-style-type: none"> <li>• spot <del>and broad scale</del> herbicides</li> <li>• <del>broad</del>scale <del>selective</del> herbicides</li> <li>• <del>broad</del>scale <del>non-selective</del> herbicides</li> <li>• spot insecticides</li> <li>• ant bait control</li> <li>• termiticides</li> <li>• fungicides to treat phytophthora and myrtle rust</li> <li>• rodent baits in locked stations for a rodent incursion and biosecurity</li> </ul>

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Public places Controlled by the LHIB	Regular user groups	Level of use of public place	Type of pesticide use
<b>Picnic areas</b>	<ul style="list-style-type: none"> <li>• local residents</li> <li>• visitors</li> <li>• children</li> <li>• young families</li> </ul>	High (particularly on weekends, public holidays and school holidays)	<ul style="list-style-type: none"> <li>• spot <a href="#">and broad scale herbicides</a></li> <li>• <del>broadscale selective herbicides</del></li> <li>• <del>broadscale non-selective herbicides</del></li> <li>• <a href="#">spot insecticides</a></li> <li>• ant bait control</li> <li>• <del>rat bait control</del></li> <li>• <a href="#">termite control</a></li> <li>• <a href="#">fungicides to treat phytophthora and myrtle rust</a></li> <li>• <a href="#">rodent baits in locked stations for a rodent incursion and biosecurity</a></li> </ul>
<b>Vacant Crown land</b>	<ul style="list-style-type: none"> <li>• local residents</li> <li>• visitors</li> <li>• children</li> <li>• young families</li> <li>• general recreational users (e.g. bushwalkers, joggers, bird watchers, dog-walkers)</li> </ul>	High	<ul style="list-style-type: none"> <li>• spot <a href="#">and broad scale herbicides</a></li> <li>• <del>broadscale selective herbicides</del></li> <li>• <del>broadscale non-selective herbicides</del></li> <li>• <a href="#">spot insecticides</a></li> <li>• ant bait control</li> <li>• <del>rat bait control</del></li> <li>• <a href="#">termite control</a></li> <li>• <a href="#">fungicides to treat phytophthora and myrtle rust</a></li> <li>• <a href="#">rodent baits in locked stations for a rodent incursion and biosecurity</a></li> </ul>
<b>Crown land reserved and dedicated for public purposes including the Lagoon Foreshore and Signal Point, Flagstaff</b>	<ul style="list-style-type: none"> <li>• local residents</li> <li>• visitors</li> <li>• children</li> <li>• young families</li> <li>• general recreational users</li> </ul>	Very high (frequent use by multiple users)	<ul style="list-style-type: none"> <li>• spot <a href="#">and broad scale herbicides</a></li> <li>• <del>broadscale selective herbicides</del></li> <li>• <del>broadscale non-selective herbicides</del></li> <li>• <del>spot insecticides</del></li> <li>• ant bait control</li> <li>• <del>rat bait control</del></li> <li>• <a href="#">termite control</a></li> <li>• <a href="#">fungicides to treat phytophthora and myrtle rust</a></li> <li>• <a href="#">rodent baits in locked stations for a rodent incursion and biosecurity</a></li> </ul>

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Public places Controlled by the LHIB	Regular user groups	Level of use of public place	Type of pesticide use
<b>Crown land reserved for the protection of flora and fauna including the PPP and Stevens Reserve</b>	<ul style="list-style-type: none"> <li>local residents</li> <li>visitors</li> <li>children</li> <li>young families</li> <li>guided walking tours</li> <li>general recreational users (e.g. bushwalkers, joggers, bird watchers)</li> </ul>	Very high (frequent use by multiple users) on walking tracks, but not in remote areas	<ul style="list-style-type: none"> <li>spot <a href="#">and broad scale herbicides</a></li> <li><del>• broadscale selective herbicides</del></li> <li><del>• broadscale non-selective herbicides</del></li> <li>• <a href="#">spot insecticides</a></li> <li>• <a href="#">ant bait control</a></li> <li>• <a href="#">rat bait control</a></li> <li>• <a href="#">termiticides</a></li> <li>• <a href="#">fungicides to treat phytophthora and myrtle rust</a></li> <li>• <a href="#">rodent baits in locked stations for a rodent incursion and biosecurity</a></li> <li>• <a href="#">Heli-lance spray operations, UAV and HBT for controlling weeds on cliffs</a></li> </ul>
<b>Road verges and road reserves</b>	<ul style="list-style-type: none"> <li>local residents or visitors walking or driving on the road</li> </ul>	Low to Medium	<ul style="list-style-type: none"> <li>spot <a href="#">and broad scale herbicides</a></li> <li><del>• broadscale selective herbicides</del></li> <li><del>• broadscale non-selective herbicides</del></li> <li>• <a href="#">spot insecticides</a></li> <li>• <a href="#">ant bait control</a></li> <li>• <a href="#">termiticides</a></li> <li>• <a href="#">fungicides to treat phytophthora and myrtle rust</a></li> <li>• <a href="#">rodent baits in locked stations for a rodent incursion and biosecurity</a></li> </ul>
<b>Easements accessible to the public (e.g. footpaths)</b>	<ul style="list-style-type: none"> <li>local residents or visitors walking</li> </ul>	Low to Medium	<ul style="list-style-type: none"> <li>spot <a href="#">and broad scale herbicides</a></li> <li><del>• broadscale selective herbicides</del></li> <li><del>• broadscale non-selective herbicides</del></li> <li>• <a href="#">spot insecticides</a></li> <li>• <a href="#">ant bait control</a></li> <li>• <a href="#">termiticides</a></li> <li>• <a href="#">fungicides to treat phytophthora and myrtle rust</a></li> <li>• <a href="#">rodent baits in locked stations for a rodent incursion and biosecurity</a></li> </ul>

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Public places Controlled by the Lhib	Regular user groups	Level of use of public place	Type of pesticide use
<b>Drains</b>	<ul style="list-style-type: none"> <li>local residents or visitors who walk or drive past a drain</li> </ul>	Low to Medium	<ul style="list-style-type: none"> <li>spot <u>and broad scale</u> herbicides</li> <li><del>broad scale selective herbicides</del></li> <li><del>broad scale non-selective herbicides</del></li> <li>spot insecticides</li> <li>ant bait control</li> <li>termiteicides</li> <li>fungicides to treat <u>phytophthora and myrtle rust</u></li> <li>rodent baits in <u>locked stations for a rodent incursion and biosecurity</u></li> </ul>
<b>Lhib Owned Buildings</b>	<ul style="list-style-type: none"> <li>local residents</li> <li>visitors</li> <li>children</li> <li>young families</li> <li>other social groups</li> <li>local residents or visitors who walk or drive past the hall</li> </ul>	High	<ul style="list-style-type: none"> <li>spot <u>and broad scale</u> herbicides</li> <li><del>broad scale selective herbicides</del></li> <li><del>broad scale non-selective herbicides</del></li> <li>spot insecticides</li> <li>ant bait control</li> <li>rat bait control</li> <li>termiteicides</li> <li>fungicides to treat <u>phytophthora and myrtle rust</u></li> <li>rodent baits in <u>locked stations for a rodent incursion and biosecurity</u></li> </ul>
<b>Backup Generator Site</b>	<ul style="list-style-type: none"> <li>local residents and people who work in the area</li> </ul>	Low	<ul style="list-style-type: none"> <li>spot <u>and broad scale</u> herbicides</li> <li><del>broad scale selective herbicides</del></li> <li><del>broad scale non-selective herbicides</del></li> <li>spot insecticides</li> <li>ant bait control</li> <li>rat bait control</li> <li>termiteicides</li> <li>fungicides to treat <u>phytophthora and myrtle rust</u></li> <li>rodent baits in <u>locked stations for a rodent incursion and biosecurity</u></li> </ul>

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Public places Controlled by the LHIB	Regular user groups	Level of use of public place	Type of pesticide use
<b>Public Toilet grounds</b>	<ul style="list-style-type: none"> <li>local residents</li> <li>visitors</li> <li>children</li> <li>young families</li> </ul>	Low to Medium	<ul style="list-style-type: none"> <li>spot <a href="#">and broad scale herbicides</a></li> <li><del>• broadscale selective herbicides</del></li> <li><del>• broadscale non-selective herbicides</del></li> <li><del>*** spot insecticides</del></li> <li>• ant bait control</li> <li>• <del>rat bait control</del></li> <li><del>control</del> <a href="#">termiteicides</a></li> <li>• <a href="#">fungicides to treat phytophthora and myrtle rust</a></li> <li>• <a href="#">rodent baits in locked stations for a rodent incursion and biosecurity</a></li> </ul>
<b>War Memorial</b>	<ul style="list-style-type: none"> <li>local residents</li> <li>visitors</li> <li>children</li> <li>young families</li> <li>local residents or visitors who walk or drive past memorial</li> </ul>	Very high (frequent use by multiple users especially on Anzac day)	<ul style="list-style-type: none"> <li>spot <a href="#">and broad scale herbicides</a></li> <li><del>• broadscale selective herbicides</del></li> <li><del>• broadscale non-selective herbicides</del></li> <li>• <a href="#">ant bait control</a></li> <li>• <a href="#">termiteicides</a></li> <li>• <a href="#">fungicides to treat phytophthora and myrtle rust</a></li> <li>• <a href="#">rodent baits in locked stations for a rodent incursion and biosecurity</a></li> </ul>
<b>Interiors of public buildings</b>	<ul style="list-style-type: none"> <li>community associations</li> <li>general members of the public</li> <li>local residents</li> <li>visitors</li> <li>children</li> <li>young families</li> </ul>	High	<ul style="list-style-type: none"> <li>spot insecticides</li> <li>ant bait control</li> <li>• <del>rat bait control</del></li> <li><del>control</del> <a href="#">termiteicides</a></li> <li>• <a href="#">rodent baits in locked stations for a rodent incursion and biosecurity</a></li> </ul>

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Public places Controlled by the LHIB	Regular user groups	Level of use of public place	Type of pesticide use
<b>Former LHIB Nursery</b>	<ul style="list-style-type: none"> <li>• general members of the public</li> <li>• local residents</li> <li>• visitors</li> <li>• children</li> <li>• young families</li> </ul>	Low to Medium	<ul style="list-style-type: none"> <li>• spot <a href="#">and broad scale</a> herbicides</li> <li>• <del>broadscale selective</del> herbicides</li> <li>• <del>broadscale non-selective</del> herbicides</li> <li>• <del>ant bait control</del></li> <li>• <del>rat bait control</del></li> <li>• spot insecticides</li> <li>• <a href="#">ant bait control</a></li> <li>• <a href="#">termiteicides</a></li> <li>• <a href="#">fungicides to treat phytophthora and myrtle rust</a></li> <li>• <a href="#">rodent baits in locked stations for a rodent incursion and biosecurity</a></li> </ul>
<b>LHIB Waste Management Facility</b>	<ul style="list-style-type: none"> <li>• LHIB staff</li> <li>• local residents and people who work in the area</li> <li>• visitors</li> </ul>	Very high (frequent use by multiple users)	<ul style="list-style-type: none"> <li>• spot <a href="#">and broad scale</a> herbicides</li> <li>• <del>spot insecticides</del></li> <li>• <del>broadscale selective</del> herbicides</li> <li>• <del>broadscale non-selective</del> herbicides</li> <li>• ant bait control</li> <li>• <del>rat bait control</del></li> <li>• <a href="#">fungicides to treat phytophthora and myrtle rust</a></li> <li>• <a href="#">rodent baits in locked stations for a rodent incursion and biosecurity</a></li> <li>• <del>spot insecticides</del></li> </ul>

### 3. NOTIFICATION ARRANGEMENTS

This section of the plan describes how and when the LHIB will provide notice of pesticide use in public places, including special measures for sensitive places and places identified by the LHIB as sensitive areas, arrangements for emergency pesticide applications and circumstances where notice will not be given.

These notification requirements are based on the LHIB's assessment of:

- the level of usage of public places where pesticides may be used;
- the extent to which members of the public who are most likely to be sensitive to pesticides (e.g. young children, sick, pregnant and elderly people) and are likely to use these areas regularly;
- the extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides (such as picnic areas where food is consumed; sporting or other recreational activities that result in contact with the ground) and
- the type of pesticide used and application method.

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### 3.21 How and when notice of pesticide use will be provided:

~~Notice of pesticide use will~~ Pesticide notification can be ~~provided~~ made by a ~~combination~~ number of means including but not limited to:

placement of:

- signs;
- information in the LHIB website ~~or Community Information Bulletin (which will describe programmed, reactive and emergency pesticide use in public places);~~
- ~~letters and householders;~~
- Householders, fax and email;
- door knocking;
- telephone contact;
- information on the LHIB notice boards; and
- information in the local newspaper (Signal);

Two Householders per year will notify what pesticides the LHIB may use.

Situations where no notification will be given are described in section 3.8 of this plan.

Pesticide use is subject to suitable conditions such as weather. Generally, notice of pesticide use will be provided in the ways described ~~below~~ in sections 3.2 – 3.5:

#### 3.2.4 Application types

Spot application of pesticides is using a backpack or hand held applicator (e.g. spray can ~~& ant,~~ spray pack & granular bait spreaders) delivering a low volume in a restricted area. Examples include control of grass and annual weeds around infrastructure, spot spraying environmental weeds, spreading granulated ant bait or fungicide for phytophthora control, spraying fungicides to eradicate Myrtle Rust, basal bark, stem injection and cut and paint applications, ~~for woody weed control.~~ This may be part of a regular maintenance program, or unplanned reactive situations.

Directed application of pesticides is using a gas powered gun or a mechanical pump and hand held automated nozzle delivering splatter or spray, generally in a linear pattern. Examples include control of weeds in difficult to access areas using a splatter gun or preparing broad scale revegetation sites with quick spray unit.

Aerial spot-spraying is infrequently required for target control of remote cliff line infestations of priority weeds within the PPP. This involves the use of a lance or cone spray apparatus attached to a helicopter, or Unmanned Automated Vehicle/Aerial Robotics (UAV/AR) platform.

Herbicide Ballistic Technology (HBT) involves the application of pelletised herbicide with a pneumatic gun, (similar to a paint ball gun) marker to deliver precision targeted control of weeds. This technology aims to improve efficiency, reduced off target and to increased safety in accessing weeds in rugged terrain. HBT can be applied from helicopter or on ground.

~~Bait rodenticides where used as part of an ongoing program (first use of pesticide only).~~

Broad scale Rodenticide baits are to be used within locked bait stations according to APVMA permit conditions for rodent incursions or used in accordance with label.

Broad scale application of pesticides is considered to involve boom sprays and other methods delivering high volumes over a wide area (e.g. the LHIB's Quick Spray Unit). ~~Hand held broadcast spreaders may be used to distribute insecticides such as Amdro granular ant bait.~~

~~The LHIB website or Community Information Bulletin will provide prior notice of scheduled pesticide applications, such as:~~

- ~~• spot herbicide application;~~
- ~~• direct application;~~
- ~~• aerial spot spraying & HBT;~~
- ~~• broadscale selective herbicides;~~
- ~~• broadscale non-selective herbicides;~~
- ~~• broadscale insecticides;~~
- ~~• fungicides;~~
- ~~• ant bait control; and~~

~~bait rodenticides (where part of an ongoing program, first use of pesticide only). From time to time pesticides will be applied in accordance with a current APVMA Permit. This includes, but is not limited to, the use of Rodenticide baits under a APVMA permit. A list of current permits relevant to Lord Howe Island can be found on the APVMA permit search page by typing Lord Howe into the keyword search: <https://portal.apvma.gov.au/permits>~~

### 3.3 Notification arrangementsApplication areas

#### a) 3.3.1 Outdoor recreation areas, cemetery and roads, road reserves, utility or other easements accessible to the public

The notification arrangements described below will apply to the following public place categories controlled by the LHIB on LHI:

- picnic areas;
- vacant crown land;
- crown land reserved and dedicated for public purposes;
- crown land reserved and dedicated for preserving native flora and fauna; including the PPP, and Stevens Reserve ~~and~~;
- sporting fields and ovals; ~~and~~

~~• In these public places, information on the use of pesticides will be published in the LHIB website or the Community Information Bulletin at least 24 hours prior to use, all guest lodges on the Island will be notified by fax or email at least 24 hrs prior to pesticide use and cemeteries, roads, road reserves, utility or other easements accessible to the public.~~

In these public places, signs will be displayed in the general treatment area or main entrance immediately prior to pesticide use and will remain in place at least until the product has dried (where the pesticide label, permit or Pesticide Control Order (PCO) requires a longer period of signage, this will be followed) for the following pesticide uses:

- spot and broad scale herbicide application;

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- ~~broad~~scale selective herbicides;
- ~~broad~~scale non selective herbicides;
- ~~broad~~scale spot and broad scale insecticides;
- fungicides;
- ~~termi~~ticides;
- ant bait control; and
- ~~bait~~ rodenticides (where part of an ongoing program, first use of pesticide only).

### 3.3.2 ~~Roads, road reserves, utility or other easements accessible to the public~~

~~Information on the forward program for broadscale and/or spot herbicide use will be published on the LHIB website or the Community Information Bulletin at least 24 hours prior to use, all guest lodges on the Island will be notified by fax or email at least 24 hours prior to application and signs will be provided in the general application area or main entrance prior to pesticide use and will remain in place at least until the product has dried (where the pesticide label, permit or PCO requires a longer period of signage, this will be followed) for the following pesticide uses:~~

- ~~spot~~ herbicide application;
- ~~broad~~scale selective herbicides;
- ~~broad~~scale non selective herbicides;
- ~~broad~~scale insecticides;
- fungicides;
- ant bait control; and
- ~~bait~~ rodenticides (where part of an ongoing program, first use of pesticide only); bird control; and
- rodenticide baits - to be used within locked bait stations according to the label or APVMA permit conditions for rodent incursions. This includes the use of rodenticide baits for in and around buildings for biosecurity monitoring.

Where programmed spot herbicide applications occur on ~~the above~~ public easements on private land, within 20 metres of 'sensitive places' notification arrangements will be conducted in accordance with subsection 3.5 of this plan.

~~Notice cannot be given where occupiers of private properties adjacent to LHIB public places use pesticides on parts of these public places near their properties without LHIB approval.~~

#### b) Walking tracks and pathways

Pesticide use on walking tracks and pathways (e.g. track from Middle Beach Rd – Anderson Rd) will have signs placed prior to pesticide use and will remain in place at least until the product has dried (where the pesticide label, permit or ~~PCO~~ Pesticide Control Order requires a longer period of signage, this will be followed). ~~All guest lodges on the Island will be notified by fax or email at least 24 hours prior to application.~~ for the following pesticide uses:

- spot ~~and broad scale~~ herbicide application;
- ~~broad~~scale selective herbicides;
- ~~broad~~scale non selective herbicides;
- ~~broad~~scale spot and broad scale insecticides;
- fungicides; ~~and~~

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- [termiticides;](#)
- [ant bait control;](#)
- [bird control; and](#)
- [rodenticide baits - to be used within locked bait stations according to the label or APVMA permit conditions for rodent incursions. This includes the use of rodenticide baits for in and around buildings for biosecurity monitoring.](#)

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Tracks may be closed if it is considered that there is a likelihood of the public being in direct contact with sprayed foliage- [prior to the pesticide drying.](#)

For aerial spot-spraying and HBT walking tracks will be closed in accordance with subsection 3.3.6(f) of this plan.

**c) Camping grounds**

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Camping may be permitted [only](#) with approval of the LHIB at North Bay within the LHI Permanent Park Preserve (PPP). ~~Camping areas will be closed prior to the use of pesticides and information on the use of pesticides will be published on the LHIB website or the Community Information Bulletin at least 24 hours prior to use. An information sign will also be displayed at the main entrances to Pesticide use at the North Bay and at the entrances to the camp sitescamping area will have signs displayed in the general treatment area or main entrance immediately~~ prior to pesticide use and will remain in place at least until the product has dried (where the pesticide label, permit or [PCOPesticide Control Order](#) requires a longer period of signage, this will be followed) for the following pesticide uses:

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- [spot and broad scale](#) herbicide application;
- ~~broad scale selective herbicides;~~
- ~~broad scale non selective herbicides;~~
- ~~broad scale spot and broad scale~~ insecticides;
- [fungicides and;](#)
- [termiticides;](#)
- [ant bait control;](#)
- [bird control; and](#)
- [rodenticide baits - to be used within locked bait stations according to the label or APVMA permit conditions for rodent incursions. This includes the use of rodenticide baits for in and around buildings for biosecurity monitoring.](#)

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Additional information will also be available at the LHIB Administration Office.

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~~Additional information will also be available at the LHIB Administration Office.~~

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**3.3.3 Cemeteries**

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~~For the cemetery, application is through spot application of selective and non-selective herbicides for the following pesticides uses:~~

- ~~Bindii and broad leaf weeds, selective herbicide and~~
- ~~directed application of non-selective herbicide is occasionally undertaken in areas that can't be mown.~~

~~Information on the use of pesticides will be published on the LHIB website or the Community Information Bulletin at least 24 hours prior to use, signs will be provided in~~

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~~the general application area or main entrance prior to pesticide use and will remain in place at least until the product has dried (where the pesticide label, permit or PCO requires a longer period of signage, this will be followed).~~

**d) 3.3.4 Airport and airstrip**

~~For Pesticide use at the LHI Airport terminal, and airstrip, occupiers will be given verbal notice of scheduled pesticide use and information on the forward program for pesticide use will be published in the LHI website or the Community Information Bulletin at least 24 hours prior to pesticide use, all guest lodges on the Island will be notified by fax or email at least 24 hours prior to application and have signs will be provided displayed in the general application/treatment area or main entrances at least 12 hours entrance immediately prior to pesticide use and will remain in place at least until the product has dried (where the pesticide label, permit or PCO Pesticide Control Order requires a longer period of signage, this will be followed.) for the following pesticide uses:~~

~~The occupiers and people who work in the area will be provided with 24 hours prior notice via telephone, email or fax (whichever is most practicable). Pesticide application will only occur between scheduled flights for the following pesticide uses:~~

- spot and broad scale herbicide application;
  - broadscale selective herbicides;
  - broadscale non-selective herbicides;
  - broadscale spot and broad scale insecticides;
  - fungicides;
  - termiticides;
  - ant bait control; and
  - bait rodenticides (where part of an ongoing program, first use of pesticide only).
- For bird control; and
  - rodenticide baits - to be used within locked bait stations according to the label or APVMA permit conditions for rodent incursions. This includes the use of rodenticide baits for in and around buildings for biosecurity monitoring.

~~Pesticide application at the LHI Airport terminal and airstrip will only occur before, after or between scheduled flights.~~

**e) LHI owned or controlled buildings**

~~These buildings are either located in high use areas or are occupied by families and young children who may be sensitive to pesticide use. Airstrip, information and include houses, the community hall, LHI administration building and depot, powerhouse, Waste Management Facility. For these buildings, occupiers will be given verbal notice prior to the scheduled pesticide use. Signs notifying on the use of pesticides will be published in the LHI website or Community Information Bulletin at least 24 hours prior to use, signs will be provided in the general application area or main displayed at the entrance to the buildings, property or treatment area prior to pesticide use and will remain in place at least until the product has dried (where the pesticide label, permit or PCO requires a longer period of signage, this will be followed) for the following pesticide uses:~~

- spot and broad scale herbicide application;
- broadscale selective herbicides;

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- ~~broadscale non selective herbicides;~~
- ~~broadscale spot and broad scale insecticides;~~
- ~~fungicides;~~
- ~~termiticides;~~
- ~~ant bait control; and~~
- ~~bait rodenticides (where part of an ongoing program, first use of pesticide only).~~

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**a) 3.3.5 LHIB owned or controlled buildings**

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~~These buildings are either located in high use areas or are occupied by families and young children who may be sensitive to pesticide use. For these buildings, information on the use of pesticides will be published in the LHIB website or Community Information Bulletin at least 24 hours prior to use, the occupiers of the buildings and surrounding buildings will be provided with 24 hours prior notice via telephone, email or fax (whichever is most practicable) and an information sign will be displayed at the entrance to the buildings prior to pesticide use and will remain in place at least until the product has dried (where the pesticide label, permit or PCO requires a longer period of signage, this will be followed) for the following pesticide uses:~~

- ~~spot herbicide application;~~
- ~~broadscale selective herbicides;~~
- ~~broadscale non selective herbicides;~~
- ~~broadscale insecticides;~~
- ~~fungicides;~~
- ~~ant bait control; and~~
- ~~bait rodenticides (where part of an ongoing program, first use of pesticide only).~~
- ~~rodenticide baits - to be used within locked bait stations according to the label or APVMA permit conditions for rodent incursions. This includes the use of rodenticide baits for in and around buildings for biosecurity monitoring.~~

Where any of the above pesticide uses occurs within 20 metres of 'sensitive places' notification arrangements will be conducted in accordance with subsection 3.5 of this plan

The LHIB Waste Management Facility (WMF)

~~For the WMF, the gate to the facility will be closed for the duration of pesticide use at the time of the application and, an information sign will also be displayed at the main entrance. Pesticides will only be used when the WMF is closed to public access for the following pesticide uses:~~

- ~~spot herbicide application;~~
- ~~broadscale selective herbicides;~~
- ~~broadscale non selective herbicides;~~
- ~~broadscale insecticides;~~
- ~~fungicides;~~
- ~~ant bait control; and~~
- ~~bait rodenticides (where part of an ongoing program, first use of pesticide only).~~

3.3.6

**f) Other areas**

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In these areas the method of notification will vary.

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Pesticide Control Order (PCO): For vertebrate and invertebrate pesticides covered by a PCO, notification will be as specified in the relevant Order, unless the Order does not specify all of the information required by the Regulation. If the latter occurs, signs and/or notices will also provide the information required by the Regulation (see section 4 of this Plan).

Aerial spot-spraying weeds & HBT: A Householder will be circulated at least one week prior to any helicopter weed operations. Signs will be placed at the entrance to the walking tracks that may interface with aerial spot-spraying operations and the walking tracks will remain closed for the duration of when the operation, helicopter if flying. This is required to maintain public and air safety. Signs will be displayed at least 24 hours prior to pesticide use track heads from early morning and will remain in place at least 1 hr after the operation has ceased (or where the pesticide label, permit or PCO requires a longer period of signage, this will be followed).

Additional information will be available at the LHIB administration office.

#### LHIB ratRodent baiting program

As part of the LHIB Rat Control Program, information on the use of pesticides will be published in the LHIB Rat Baiting Schedule; the schedule is posted to the community as a householder and faxed or emailed to all guest lodges at the start of each calendar year for the following pesticide uses:

- bait rodenticides (where part of an ongoing program, first use of pesticide only).

Baiting for rodents using approved rodenticides will be conducted in accordance with the APVMA permit for rodent incursions and used in accordance with the label for use in and around buildings for biosecurity monitoring. A list of APVMA current permits can be found on the APVMA permit search page by typing Lord Howe into the keyword search: <https://portal.apvma.gov.au/permits>

Records of rodenticide purchase, use and tracking are kept in a register with the LHIB (ED22/2794).

The LHIB ~~does~~will not ~~intend to~~ provide further notice for such pesticide applications other than by way of this description in this plan.

#### 3.4 Special measures for sensitive places

#### 3.4 SPECIAL MEASURES FOR SENSITIVE PLACES

Clause ~~4839~~ of the Regulation defines a sensitive place to be any:

- school or pre-school;
- kindergarten;
- childcare centre;
- hospital;
- community health centre;
- nursing home;
- A place declared to be a sensitive place by the Environment Protection Authority (EPA).

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### 3.4.1 Playground

Although not specified as a sensitive area under the Regulation, the LHIB regards the playground as an area where members of the public who are most likely to be sensitive to pesticides (e.g. young children, pregnant and elderly people) are likely to use this area regularly.

The LHIB aims to minimise pesticide use around playgrounds by using manual weed control methods (brush cutting, hand pulling) where possible.

Where required, the LHIB will continue to undertake spot applications of pesticides as described below as these are all very small doses in limited areas.

- bindii control through spot application of a selective herbicide. Minor infestations in small areas are treated as required;
- grass [and weed](#) control through spot application. Minor infestations in small areas are treated as required; and
- ant, [termite and insect](#) control is occasionally undertaken through spot application of an insecticide.
- [Baiting for rodents using approved rodenticides will be conducted in accordance with the APVMA permit for rodent incursions and used in accordance with label for use in and around buildings for biosecurity monitoring \(e.g. toilets\).](#)
- Infestations in small areas are treated as required.

The notification arrangements for the Playground area will be undertaken in accordance with subsection 3.5 of this plan.

### ~~3.5~~ [Prior notice of use of pesticide at a sensitive place and near a sensitive place](#)

### 3.5 PRIOR NOTICE OF USE OF PESTICIDE AT A SENSITIVE PLACE AND NEAR A SENSITIVE PLACE

For sensitive places and the playground the LHIB will display an information sign in the general application area or main entrance 24 hours prior to pesticide application, at the time of the application and at least 24 hours after pesticide application.

Information on the forward program for ~~broad scale~~ [broad scale](#) and/or spot herbicide use will be published on the LHIB website or ~~the Community Information Bulletin distributed via Householder~~ at least 24 hours prior to use, ~~all guest lodges on the Island will be notified by fax or email at least 24 hours prior to application~~ and the occupiers of the buildings and surrounding buildings that are within 20 meters of sensitive places (Map 1) will be provided with 24 hours prior notice via telephone, email or fax (whichever is most practicable) for the following pesticide uses:

- spot [and broad scale](#) herbicide application;
- ~~broad scale selective herbicides;~~
- ~~broad scale non-selective herbicides;~~
- ~~broad scale~~ [spot and broad scale](#) insecticides;
- fungicides; ~~and~~
- [termiticides;](#)
- ant bait control;
- [bird control; and](#)

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- [rodenticide baits - to be used within locked bait stations according to APVMA permit conditions for rodent incursions and used in accordance with label for use in and around buildings for biosecurity monitoring.](#)

For non-emergency reactive pesticide use in outdoor public places within 20 meters of sensitive places, the LHIB will provide notice shortly before use to any occupier of a building that is within 20 meters of sensitive places by telephone, fax, email or door-knock, depending upon what is practicable. An information sign will also be displayed in the general application area or main entrance at the time of the application and at least 24 hours after pesticide application.

~~If a pesticide must be used to deal with an emergency in outdoor public places to deal with biting or dangerous pests such as wasps, bees, venomous spiders, fleas, bird mites or rodents (that pose an immediate health hazard), ants, phytophthora, Myrtle Rust or anything deemed to be a threat to public health, quarantine/biosecurity or the environment as determined by the LHIB and the use of pesticide is within 20 meters of a sensitive place, the LHIB will organise a door knock, preferably at least 30 minutes before pesticide use, so people are aware that a pesticide is about to be used to deal with a pest infestation. The LHIB will display an information sign in the general application area or main entrance at the time of the application and at least 24 hours after pesticide application.~~

### ~~3.6 — Notification of emergency pesticide applications~~

#### ~~3.6 NOTIFICATION OF EMERGENCY PESTICIDE APPLICATIONS~~

~~In cases where emergency pesticide applications in public places (that are not within 20 meters of sensitive places) are required to deal with biting or dangerous pests that pose an immediate health hazard or pests such as wasps, bees, venomous spiders, fleas, bird mites or rodents (that pose an immediate health hazard), ants, phytophthora, Myrtle Rust or anything deemed to be a threat to public health, quarantine/biosecurity or the environment as determined by the LHIB, the LHIB will, where possible, provide notice immediately before use. This notice will be given to any occupier/occupiers of any residence/residences that is/are within approximately 20 meters of the emergency pesticide application/s or sensitive place, by telephone or door-knock or provide notice by placing signs nearby at the time of the application, depending upon what is practicable. If this is not possible, the LHIB will provide information at the LHIB administration office [02 6563 2066], or information can be obtained from the person applying the pesticide on site, if requested.~~

~~Notification for placement of rodenticide baits in locked stations in public places for the purpose of implementing a rodent incursion will provide warning notices for settlement owners of pets and for livestock owners by means of distributing a Householder and placing a notice on the Boards website or provide notice by placing signs nearby at the time of the application, depending upon what is practicable. If this is not possible, the LHIB will provide information at the LHIB administration office [02 6563 2066], or information can be obtained from the person applying the pesticide on site, if requested.~~

### ~~3.7 — Pesticide contractors and lessees of public places~~

#### ~~3.7 PESTICIDE CONTRACTORS AND LEASEES OF PUBLIC PLACES~~

Where the LHIB uses contractors to apply pesticides on its behalf, the LHIB will ensure that notification is made in accordance with the notification requirements of this plan. Where persons or organisations hold an existing lease on LHIB land that remains a

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public place and if they use pesticides in this area, the LHIB will still require notification in accordance with the requirements of this plan.

**3.8 ~~Public places and pesticide use where~~ PUBLIC PLACES AND PESTICIDE USE WHERE THE LHIB WILL NOT PROVIDE ANY NOTIFICATION**

At times the LHIB will not provide any notification

uses small quantities of some pesticides that are readily available at retail outlets to the general public for the control of pests for which they are registered. The LHIB will not provide notification in any of the following public places:

- public places that have been closed temporarily to the public where the closure is unrelated to the pesticide use [except for the playground and sensitive places];
- remote areas where there is little likelihood of pesticides being encountered by the public e.g. areas where there is no vehicular access and low public visitation;
- for spot and directed applications of pesticide at the Aerodrome fuel shed and the gravel piles adjacent to the airstrip and
- while carrying out weed control as part of the LHIB Weed Management Strategy. For aerial spot-spraying weeds and HBT refer to subsection 3.3.6 of this plan.
- for small quantities of glyphosate and metsulfuren herbicides by hand held applicator, cut and paint or stem injection techniques;
- minor control of indoor and outdoor pests using various baits or insecticides applied by aerosols, a knapsack, hand held applicator or by injection techniques.
- rodenticide baits are used in accordance with label for use in and around buildings for biosecurity monitoring

The LHIB does not intend to provide notice for such pesticide applications other than by way of this description in this plan.

~~In addition, the LHIB will not provide notification for the following pesticide uses in any of the public places it controls or owns:~~

- ~~pesticides used in small quantities that are readily available at retail outlets to the general public for the control of pests for which they are registered.~~

**4. WHAT INFORMATION WILL BE PROVIDED**

In accordance with Clause ~~2041~~ (1) (h) of the Regulation, notice of pesticides use must include all the following information:

- the full product name of the pesticide to be used;
- the purpose for which the pesticide is to be used;
- the dates and approximate times on which, or the range of dates and approximate times during which, the pesticide is to be used;
- the places where the pesticide is to be used;
- any warnings about limitations on the subsequent use of or entry onto the land if such warnings are specified on the approved label for the pesticide or in the permit for use of the pesticide; and

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- a contact telephone number or email address for the officer whom a person can contact to discuss the notice.

Signs will be of a standardised design that will be easily recognisable to the public and workers.

As already noted, the LHIB website or Community Information Bulletin will have a dedicated area that describes its programmed, reactive and, if practicable, emergency pesticide use in public places with a reference to where this notification plan will be available to the public.

## 5. HOW THE COMMUNITY WILL BE INFORMED OF THIS PLAN

The LHIB will advise residents of this plan and its contents by:

- making a copy of the plan available for public viewing free of charge in the LHIB's administration office during office hours (0830 – 1630 Mon – Fri);
- placing a copy of the plan on the LHIB's website;
- ~~placing a notice in the Community Information Bulletin;~~
- ~~distributing a Householder;~~
- placing a notice in the local paper (The Signal) and
- placing a notice in the NSW Government Gazette.

## 6. NOTIFICATION TO THE ENVIRONMENTAL PROTECTION AUTHORITY OF FINAL PESTICIDE NOTIFICATION PLANS

~~A public authority that has prepared a final pesticide use notification plan must notify the Environmental Protection Authority in writing that the plan has been finalised;~~

- ~~Such notice must include a statement as to whether or not the plan is in accordance with Clauses 21 (1) (a) (c) specifying the area in which the plan is to operate and where copies of the plan will also be displayed; and formally notified of this plan.~~
- ~~Such notice must be given as soon as practicable after finalisation of the plan.~~

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## 7.6. FUTURE REVIEWS OF THE PLAN

The notification plan will be reviewed every ~~35~~ years. The review ~~will~~may include:

- placing the plan on public exhibition, with any proposed changes and calling for public submissions and
- in the light of public submissions, making recommendations for alterations (if applicable) to the plan.

## 8.7. CONTACT DETAILS

Anyone wishing to contact the LHIB to discuss the notification plan or to obtain details of specific details of pesticide applications in public places should contact:

~~Manager Environment/Team Leader~~ World Heritage ~~or~~  
~~Team Leader Compliance & Projects~~  
Lord Howe Island Board  
Lord Howe Island NSW 2898

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Phone: 02 6563 [22822066](tel:22822066)  
Fax: 02 6563 2127  
Email: [administration@lhib.nsw.gov.au](mailto:administration@lhib.nsw.gov.au)

**9.8. APPENDICES**

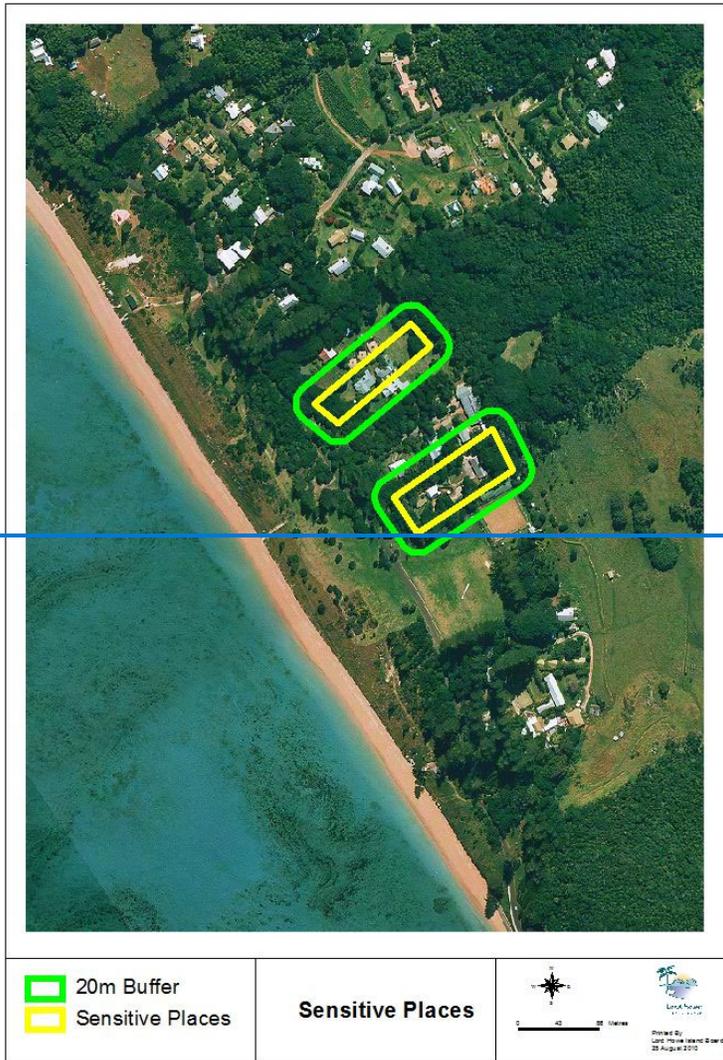
See Map 1: Sensitive Places

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**Map 1 Sensitive Places**



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# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Handley Review – Review of Compliance with Residency Condition of Perpetual Leases

#### Recommendations

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**Note:** that a review has been undertaken.

**Endorse:** the plan provided to resolve each outstanding matter.

#### Current position

---

Recommendation 2 of the final *Handley Review of Land Allocation on Lord Howe Island* (“the Handley Review”) stated that:

*“Properly police and enforce the residency condition in perpetual leases, with forfeiture as a last resort.”*

A review of residency status of all lessees was undertaken in late 2017 by the administration with advice from local Board members. This paper provides an update on the status of the residency on lease investigations.

#### Comment

The policing of residency on lease requires the Board to prove in the positive that a resident is not residing on their lease. This makes investigations into residency status resource intensive and challenging.

The Board administration seeks to investigate all potential non-compliance with lease matters. Investigations into non-compliance are prioritised according to the degree of non-compliance. For example, in the two scenarios below:

1. A lease that is not being occupied by its lease holder and is otherwise vacant
2. A lease that is not being occupied by its lease holder, but is being occupied by an Islander.

Both scenarios are in breach of the Lord Howe Island Act, however scenario two can be remedied by way of a sublease arrangement that would be permissible under the Act. While the Board would intend to investigate and pursue compliance for both scenarios, scenarios where there is no obvious administrative solution will have a higher priority than scenario two.

There are currently nine investigations underway. No investigations have been resolved since the September 2022 meeting. Five letters have been issued as part of ongoing breaches. A detailed overview of each matter is listed in Attachment A.

The Board's resolution from the September 2022 stated:-

*Action: Management bring a substantive plan to resolve each of the residency compliance matters to the next board meeting. Matters are to be prioritised and decision made on what action is to be taken*

Please see Plan at Attachment A for prioritisation of investigations with suggested next steps.

## Attachments

Attachment	Title
A	Business Paper - 14.1 Attachment A - Review of Compliance with Residency Condition on Perpetual Leases - December 2022 - Closed

## Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Darcelle Matassoni	A/Manager Environment & Community Services

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Application to transfer lease PL1954.47 by way of sale from the Estate of Daphne Pearl Simpson to Rebecca Moran and Timothy Solomon as joint tenants.

#### Recommendations

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1. **The Board recommend** to the Minister to accept transfer by way of sale of PL1954.47, being Portion 1, LHI 41 and Portion 258 of DP48283 from the Estate of Daphne Pearl Simpson to Rebecca Moran and Timothy Solomon as joint tenants
2. **Note:** A separate non-compliance process will be undertaken by the LHIB to address internal access and the presence of a second kitchen.

#### Current position

---

On 14<sup>th</sup> October 2022 an application was received from Roseanne O'Brien and Stephen Simpson, as Executors of the Estate of the late Daphne Pearl Simpson, requesting consent to transfer PL1954.47 by way of sale to Rebecca Moran and Timothy Solomon as Joint Tenants.

As Executors of the Estate, Ms O' Brien and Mr Simpson are empowered to sell and transfer the lease in accordance with Grant of Probate issued on 15 April 2020.

Section 23 of the *Lord Howe Island Act 1953* ("the Act") governs the transfer of perpetual leases, with subsections (10) to (13) dealing with the transfer of leases the subject of a will or intestacy. Section 23(1)(a) is also pertinent in this case.

Section 23(1)(a) of the Act provides that *"A lease under this Part may be transferred in the prescribed form and manner as to the whole or a part of the land comprised in the lease or may be sublet at any time, but the consideration for the transfer shall not exceed the fair market value of the interest of the transferor in the unimproved land the subject of the lease, the fair market value of the improvements on the land at the commencement of the lease and of any improvements subsequently effected thereon with the approval of the Board and, in the case only of a lease of land used for commercial purposes, a sum for the goodwill of the business conducted thereon, being goodwill transferred to the transferee in connection with the transfer of the lease or accruing to the transferee in consequence thereof. Such fair market values and, as the case may require, such sum for goodwill shall be as determined by the Valuer-General.*

Section 23(4) of the Act provides that *“The Board shall have an absolute discretion to recommend the granting or refusal of any application for consent under this section, but shall not recommend the granting of consent to a transfer or subletting to any person other than an Islander unless satisfied that there is no Islander who desires and is in a position to take a transfer or sublease, as the case may be, of the lease.”*

Section 23(10)(a) provides that *“If a lease under this Act devolves under a will or intestacy upon any person, such person may hold the lease for such period after the death of the testator or intestate as the Minister on the recommendation of the Board may permit.”*

Section 23(10)(d) provides that *“If such person does not within any such period obtain the certificate of the Minister as aforesaid, nor transfer the lease as aforesaid, the same together with any moneys paid to the Crown in respect thereof shall be liable to forfeiture.”*

As stated in the Board’s Transfer of Perpetual Lease Policy:-

The Act allows for the executor or administrator of the estate to hold a perpetual lease for the purpose of residence for a period stipulated by the Minister (section 23(10)(a)) to enable the executor to either obtain a certificate from the Minister that they are entitled to hold the lease; or to sell and transfer the lease (section 23(10)(b)). The provisions of section 23(4) of the Act are relevant for the purposes of determining entitlement to be granted a certificate by the Minister pursuant to section 23(10)(b) to hold the lease.

- In this instance, the Executors have not sought approval to hold the lease under Section 23(10)(a) for any period and have, instead, applied to transfer the lease. Transfer of the lease is within the power of the Executors and partially acquits the leasehold affairs of the Estate.

The proposed transfer is consistent with the relevant *Lord Howe Island Act* sections and the Lord Howe Island Transfer of Perpetual Lease Policy. Specifically:

- The applicants have submitted an application in the prescribed form with the appropriate statutory declarations.
- Both Rebecca Moran and Timothy Solomon satisfy the definition of an Islander under the Act.
- The contract sale price listed on the prescribed form (Form 5) does not exceed the Valuer General valuation provided with the application in accordance with s23(1)(a) of the Act.
- Neither Rebecca Moran nor Timothy Solomon currently hold a perpetual lease on Lord Howe Island.
- Rebecca Moran and Timothy Solomon have stated on the prescribed Form 5 that it is their intention to reside on the lease, therefore satisfying section 21(7) of the Act.

During the review process it is noted that the Valuer General valuation and form 5 highlighted a non-compliance issue with regard to internal access and the presence of a second kitchen.

This compliance issue will be dealt with through the standard LHIB compliance process and is not under consideration with regard to the sale of the property.

The non-compliance has been disclosed to the transferee/s who have indicated that they wish to processed with the proposed sale process, knowing compliance will be undertaken.

There are no known impediments under Act that would prevent the Board from recommending to the Minister to support the transfer of this lease.

## Attachments

Attachment	Title
Nil	

## Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Darcelle Matassoni	Acting Senior Manager Environment and Community Services

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Transfer of Two Public Accommodation Licences from Ocean View – Kevin Wilson to Ian Hutton

#### Recommendations

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1. **Approve** the issue of a Public Accommodation Licence in the name of Ian Hutton for PL2022.04 for the maximum number of 2 persons, excluding children under five years of age, who may be accommodated at any one time;
2. **Approve** the existing Public Accommodation Licence for Kevin Wilson, Ocean View Apartments for PL1954.05 be cancelled and a new licence issued to Kevin Wilson, Ocean View Apartments for PL2022.03 for the maximum number of 35 persons, excluding children under five years of age, who may be accommodated at any one time.
3. **Approve** the immediate cancellation of the use of Unit 16, Ocean View Apartments as tourist accommodation, noting that on transfer of the licences an Owner Consent/ Development Application for the Decommissioning of Unit 16 will be lodged as set out in Attachment A.

#### Current position

---

The *Lord Howe Island Regulation 2014* states the following:

#### ***Part 4 Licensing of tourist accommodation and other commercial undertakings***

#### **48 Meaning of tourist accommodation**

*In this Part, tourist accommodation means public accommodation that is provided predominantly for tourists to the Island as a commercial undertaking.*

#### **49 Licensing of tourist accommodation and other commercial undertakings**

(1) *a Person must not-*

- (a) *provide tourist accommodation or carry on any other commercial undertaking on the Island, or*
- (b) *use premises for the provision of tourist accommodation or for the carrying on of any other commercial undertaking,*

*Except in accordance with a licence granted by the Board for that purpose.*

(2) *A licensee must not contravene a condition of the licensee's licence.*

(3) *A licensee must not, without reasonable excuse, refuse or fail to produce the licensee's licence for inspection on being requested to do so by the Board.*

The Tourist Accommodation Strategy was adopted at the September 2015 Board Meeting. Its purpose is to assist in the enforcement of licence conditions post transfer. The current process for the transfer of Public Accommodation Licences is summarised below:-

- a) The buyer and seller must apply to the Board to vary the accommodation licence/s,
- b) The buyer and seller must provide the Board with a floor plan showing the particulars of the premises to be licensed, including the room numbers, pre and post transfer,
- c) On receipt of the site plan, the Board will conduct an audit of the premises to ensure that they are currently compliant with their Licence for Provision of Public Accommodation,
- d) On satisfactory completion of steps 1 to 3 above, the matter will be referred to the Board for decision, and
- e) If approved by the Board, and subject to the conditions imposed by the Board, the existing Licence for Provision of Tourist Accommodation will be cancelled and a new licence issued to reflect the increased / reduced number of accommodation units and increased / reduced number of people, excluding children under five years of age, who may be accommodated at any one time.

## Background

At the March 2022 Board Meeting, the Board endorsed three applications to facilitate land swaps and boundary adjustments between three adjacent Perpetual Leases, reflecting DA2021.07 Subdivision of Lot 347 Chad Wilson, Lot 201 Keith & Kelly Galloway, Lot 204 Kevin Wilson and Portion 69 Ian Hutton. Subsequently, on 22 June 2022, the Minister approved the surrender and creation of four new perpetual leases for Chad Wilson, Kevin Wilson, Keith and Kelly Galloway and Ian Hutton.

As outlined in an agreement dated 19 June 2021 between Kevin Wilson, Chad Wilson and Ian Hutton, a portion of land from Ian Hutton's lease (ex PL1954.48) was transferred to Chad Wilson in exchange for two (2) tourist accommodation licences from Kevin Wilson of Ocean View Apartments to Ian Hutton. This agreement formed part of the March 2022 business paper endorsed by the Board and approved by the Minister on 22/6/2022.

There are currently thirty-seven (37) Public Accommodation licences held by Kevin Wilson, Ocean View Apartments over her surrendered perpetual lease PL1954.05. As PL1954.05 no longer exists, and in line with the agreement stated above, the reissue of licences is required.

No additional licences are being applied for, just the redistribution of the licences held by Kevin Wilson.

The Board has received an application for the transfer of two (2) Public Accommodation licences from Kevin Wilson, Ocean View Apartments to Ian Hutton (Attachment A) and (Attachment B)

## **Proposed Decommissioning of Unit 16, Ocean View Apartments**

Floor plans of Ocean View Apartments identifying proposed modifications to Unit 16 have been submitted (Attachment A). Unit 16 currently consists of a one-bedroom unit capable of accommodating two (2) persons. It is proposed to submit an application to decommission Unit

16 and a change of use for Unit 16 from Tourist Accommodation to a Linen and Cleaning Equipment Storage Room as detailed below:-

- Remove all cooking facilities/whitegoods/furniture/electrical goods;
- Install metal shelving for storage of linen and cleaning equipment;
- Retain bathroom facilities for WHS for handling of cleaning products and equipment;
- Install outside partitioning on veranda to separate from tourist accommodation for staff access only

To date an application decommissioning Unit 16 and for the change of use and proposed works for Unit 16, Ocean View Apartments has not been lodged by Kevin Wilson of Ocean View Apartments.

### **Proposed Tourist Accommodation – Ian Hutton**

A floor plan and site plan for the proposed one-bedroom self-contained tourist accommodation has been submitted by Ian Hutton (Attachment B):-

- 85sqm self-contained tourist accommodation;
- Room 1 bedroom accommodating a maximum of 2 persons excluding children under five years of age;
- Bathroom;
- Open plan Kitchen/Dining Room/Lounge Room;
- Storage and transit room

Mr Hutton has advised that once the public accommodation licences have been transferred, he will commission a professionally prepared and compliant Owner Consent/Development Application for the construction of the proposed tourist accommodation.

### **Site Inspection and Audit of Premises**

As per c) of the Tourist Accommodation Strategy, an audit of Unit 16 Ocean View Apartments was undertaken by Darcelle Matassoni on 22 November 2022.

The Unit 16 as defined in Kevin Wilson's submission is still currently in use and will be decommissioned on the date of licence transfer, likely to be finalised mid-January. A follow-up inspection will be scheduled at this time.

The site inspection included a walkthrough of the unit and a discussion on the decommissioning proposal and how the unit would be modified.

The next step is the submission of a change of use (and associated works) application.

Steps a) to c) of the Tourist Accommodation Strategy shown above have been completed.

As per e) of the Tourist Accommodation Strategy, it is recommended that the existing Licence for Provision of Tourist Accommodation will be cancelled and a new licence issued to reflect the increased / reduced number of accommodation units and increased / reduced number of people, excluding children under five years of age, who may be accommodated at any one time.

## Attachments

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Attachment	Title
A	Letter – Transfer two tourist accommodation licences from Kevin Wilson – 8 October 2022 - Open
B	Letter – Transfer two tourist accommodation licences to Ian Hutton – 6 October 2022 - Open

## Approval and contact

---

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Darcelle Matassoni	A/Manager Environment & Community Services



P.O. Box 8  
Lord Howe Island, NSW 2898  
Phone: [02] 65632041  
Fax : [02] 65632122  
Email: [OceanView.LHI@bigpond.com](mailto:OceanView.LHI@bigpond.com)  
Web: [www.oceanviewlordhoweisland.com.au](http://www.oceanviewlordhoweisland.com.au)  
08/10/2022

Darcelle Matassoni  
Lord Howe Island Board  
Lagoon Road  
Lord Howe Island, NSW 2898  
(02) 6563 2066

Attention Darcelle,

This letter is a formal request / application to transfer 2 of the 37 tourist bed licenses that Marlane Pty Ltd T/A Ocean View Apartments currently hold from the Lord Howe Island Board to Ian Hutton of Lord Howe Island NSW 2898.

Please see attached bed transfer / change of use DA for the bed licenses & unit from which beds will be removed for this transfer.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Wilson". The signature is written in a cursive style with a long, sweeping underline.

Kevin Wilson  
Owner  
Marlane Pty Ltd T/A  
Ocean View Apartments

**OWNER CONSENT and DEVELOPMENT APPLICATION**

Kevin Wilson  
1 Oceanview Drive  
Lord Howe Island  
NSW 2898

08<sup>th</sup> October 2022

**PL2022.03 – Lot 3 DP1279044**

**A) DECOMMISSION Unit 16 from Tourist Accommodation at Oceanview Apartments and CHANGE OF USE Unit 16 to LINEN and CLEANING EQUIPMENT STORAGE on PL2022.03 – Lot 3 DP1279044**

**AND**

**B) TRANSFER 2 TOURIST LICENCES from Kevin Wilson to Ian Hutton PL2022.04 – Lot 4 DP1279044**

1. Contents
2. Statement of Environmental Effects
3. Photos
4. Site plan and building plans
  - ◆ Dwelling
  - ◆ Infrastructure building
  - ◆ Tourist accommodation
  - ◆ Total site plan and survey
  - ◆ GFA calculations
  - ◆ Adjacent Perpetual Leases
  - ◆ Vegetation plan
  - ◆ Parking
  - ◆ OC/DA application
  - ◆ SEE

**Address:** PL2022.03 – Lot 3 DP1279044 - 1 Oceanview Drive, Lord Howe Island.

**Applicant:** Kevin Wilson.

**Zone:** Zone 2 settlement.

**Biodiversity -Significant native vegetation:** No significant native vegetation will be damaged or removed with this application.

**Site description Lot 3:** The tourist (commercial) business is known as Oceanview Apartments. The tourist apartments are situated on an irregular shaped block with the total site area of 16,440 square meters with slopes to the North west. The site is zone 2 Settlement. The existing buildings on site are outside of mapped SNV.

**Existing improvements Lot 3:**

- 2 dwellings.
- Infrastructure building (office / transit building; commercial laundry / double garage / storage / cool room and freezer building, garden / tool shed; commercial kitchen / bar area / lounge - games room / staff accommodation building).
- 15 tourist accommodation units (license- 37 beds) with guest laundry attached to the North corner of the building
- Landscaping design
- Driveway access and parking.

**Compliance:**

EPA Act  
EPA Reg's  
LHI LEP2010

**Contamination:** None

**Bushfire risk:** None

**Services:** Existing water, electricity, telecommunications, and wastewater disposal

**Stormwater:** Existing surface water flows south west

**Landscaping:** No additional landscaping proposed

**Tourist license allocations:** Existing tourist facility on PL2022.03 – Lot 3 DP1279044 is licensed for 37 people. Consent is sought for decommissioning two (2) tourist licenses (CEO of LHI Board, on 08<sup>th</sup> October 2022 - letter attached) from Unit 16 and change the use from tourist accommodation to linen & cleaning equipment storage.

A part of the decommissioning of unit 16 is removing all the cooking facilities/white goods/furniture/electrical goods. Retain bathroom facilities for WHS with handling of cleaning products / chemicals & equipment.

Installing metal shelving to store linen & cleaning chemicals & equipment.

Install outside partitioning on veranda to separate from tourist accommodation & have staff only access.

Transfer of two (2) tourist licenses to Ian Hutton PL2022.04 – Lot 4 DP1279044

**Supporting documentation:**

Survey plan by Martin Pundyk. Proposed subdivision of Lot 347 DP1156661, Lots 201 & 204 DP40354 & Lot 69 DP757515.

Tourist accommodation Unit 16 decommission floor plan

Letter CEO of LHI Board, detailing the application to transfer tourist licenses

**Zone and Permissibility:** The land is in Zone 2 Settlement. The proposal complies with Clause 22 LEP2010

**Heritage:** No heritage listing of the subject site

**Sewer:** Existing approved wastewater system on Lot 3 supports waste from dwelling and tourist accommodation Kubota System.

**Access:** Existing from Oceanview Drive is sealed.

**Surrounding development:** Typical dispersed settlement pattern

**Impacts and mitigation:** The proposal will not impact on the environment or SNV or impact on World Heritage values

Design principles comply with LEP2010.

**Demonstrated business need:**

1. The proposal to decommission Unit 16 and transfer 2 tourist licenses from Oceanview Apartments allows Ian Hutton to start his own business.
2. Decommissioning unit 16 at Oceanview Apartments and change of use from tourist accommodation to linen and cleaning equipment storage will enable the business to operate efficiently.

There are no additional bed licenses being sought by this application, just a redistribution of 2 tourist licenses proposed to be transferred from the applicant on PL2022.03 – Lot 3 DP1279044 at Oceanview Apartments to Ian Hutton PL2022.04 – Lot 4 DP1279044 - Clause 22 (1)(d).

There will be no increase in tourist license numbers (Clause 22(4))

**Justification:**

1. Proposed Development DA2021.7, Property Description  
Lot: 347 DP: 1156661, Lot: 201 DP: 40354, Lot: 204 DP: 40354, Por: 69 PLN: 19  
Description of Proposed Development Subdivision of Lot 347, Lot 201, Lot 204 and Portion 69.  
GFA Calculation from this DA, raises the commercial area used to 12.4%. That is well under the 15% allowed.
2. Decommissioning and change of use of unit 16 will utilize an existing commercial area for essential purposes of linen and cleaning equipment storage. A part of the decommissioning of unit 16 is removing all the cooking facilities/white goods/furniture/electrical goods. Retain bathroom facilities for WHS with handling of cleaning products & equipment. Installing metal shelving to store linen & cleaning equipment. Install outside partitioning on veranda to separate from tourist accommodation & have staff only access.
3. Transfer of 2 tourist licenses from Kevin Wilson - PL2022.03 – Lot 3 DP1279044 to Ian Hutton on PL2022.04 – Lot 4 DP1279044 will allow Ian Hutton to start his own business
4. Recent example approved by the LHI Board: Val Turk at Hideaway and Therese Turner decommissioned tourist units and change of use was approved
5. All buildings have been identified on the lease, including dwellings
6. There is adequate land available for the proposal
7. The proposal is permissible with development consent in Zone 2 settlement and satisfies Clause 9,11,14,22,27,29,32 and 33 of the LEP2010.
  - Clause 11 –Matters that must be satisfied before development consent is granted
    - (a) The site falls within Zone 2 Settlement and is consistent with zone objectives
    - (b) There is adequate area for treatment of effluent. No new effluent will be produced. The existing wastewater system has been approved by the Lord Howe Island Board
    - (c) The proposal will not result in any SNV to be damaged or removed.
    - (d) The proposal does not involve any change in access on the site.
    - (e) The proposal does not involve landscaping
    - (f) The site is not located in a flood hazard area
    - (g) No additional infrastructure services are required
    - (h) The proposal will have no adverse impact on locality
    - (i) No overshadowing will result
    - (j) No privacy issues will result.
    - (k) Complies with Clause 22 (1) (a) and Clause 22 (1)(b)
8. Clause 22- Tourist accommodation, staff accommodation and commercial premises- the proposal complies with the minimum 15% of the balance of the area of the allotment occupied after the minimum dwellings area is deducted from the total area of the allotment (see GFA provided in this document)
9. Clause 29 – Maximum height of buildings. Existing building does not exceed 7.5m in height
10. Clause 32-Setback of buildings. The proposal complies with setbacks, as there is no structural change
11. Clause 33- Landscaped character. The proposed development will not adversely impact on the existing landscaped character and dispersed pattern of housing in the zone
12. The site is suitable and can accommodate the proposal
13. There is no cut and fill
14. The existing buildings are screened from the main road and the entrance driveway with a thick band of vegetation.
15. There is no significant environmental, social, or economic impact.

No native vegetation will be removed

  - a. Soil suitability, stability, slope, natural drainage patterns and erosion control are not affected

- b. There is no effect on plants or animals that are native to the island
- c. There will be no change to air, noise or water pollution arising from the proposed subdivision
- d. There is no impact on the health of people in the neighborhood
- e. There are no hazards arising from the proposed development.
- f. There will be no impact on traffic in the neighborhood
- g. There is no impact on the local climate
- h. There is no change to visual impact
- i. There is no impact on soil erosion
- j. There is no impact on heritage significance
- k. There is no visual exposure.
- l. The existing access is landscaped and established. There is no requirement for cut and fill.
- m. There is no impact on fauna habitats on the site or existing native vegetation.

16. There will be no impact on the environment
- The area is landscaped using an approved Environmental plan.
  - Visual and climatic screening exists.
  - No impact on visual exposure,
  - No negative impacts on significant native vegetation
  - Main Access road exists and is landscaped and screened.
  - Adequate distance from boundaries
  - World Heritage values will not be compromised.

### **Proposed Development objectives and analysis:**

2 and 3 (a)

The proposal is to:

1. Decommission Unit 16 at Oceanview Apartments (2 tourist licenses) and change the use from Tourist accommodation to linen & cleaning equipment storage on PL2022.03 – Lot 3 DP1279044.
2. Transfer 2 tourist licenses from Kevin Wilson PL2022.03 – Lot 3 DP1279044 to Ian Hutton PL2022.04 – Lot 4 DP1279044 The proposal will not involve removal of any existing vegetation
3. The existing buildings are screened from the main road and entrance driveway by an area of native and exotic vegetation.
4. The proposal is in keeping with the general objectives of the LEP2010, which are. *"To ensure that any further development on the Island does not destroy the natural environment and does not adversely affect the lifestyle of the residents"*.
5. The proposal satisfies objectives of Zone 2 (settlement) LEP 2010
6. The proposal complies with the Environmental protection and Biodiversity Conservation Act 1999, NSW Threatened Species Conservation Act 1995, NSW Heritage Act 1977, LHILEP2010, Lord Howe Island Act 1953, LHI DCP2010 and the NSW Environmental Planning and Assessment Act 1979.

### **PL2022.03 – Lot 3 DP1279044 GFA existing on site on the date of 18<sup>th</sup> October 2022**

#### **EXISTING GFA CALCULATIONS (Total site area = 16,440sqm)**

Building	GFA (sqm)	Area required
<b><u>Existing Residential</u></b>		
2 Dwellings (dwelling 1: 161 m <sup>2</sup> + dwelling 2: 96 m <sup>2</sup> ) = 267 sqm		=6,000 sqm
<b><u>Existing Commercial GFA</u></b>		
Tourist Accommodation	= 596 sqm	
Double garage, storage area, freezer / cool room and laundry.	= 162 sqm	
Office / transit room and garden / tool shed	= 92 sqm	
Restaurant area, games room and staff accommodation.	= 501 sqm	
<b>Total GFA commercial floor area</b>	<b><u>= 1331 sqm</u></b>	
Area required for commercial site cover		= 8,873.33 sqm
To calculate area required to comply LEP 2010: 1331 sqm divided by 15 x 100		
<b>TOTAL EXISTING AREA REQUIRED</b>		<b>14,873.33 sqm</b>
<b>TOTAL AREA AVAILABLE</b>		= 16,440 sqm
Area remaining		= 1566.67 sqm

**Complies with Clause 23 and Clause 24 of LHI LEP2010**

**Electrical:** No change to existing load

**Environmental:** No impact on any threatened species, populations or ecological communities or their habitats.

**Effluent:** The proposal will continue to use the existing approved Kubota wastewater system

**(b) Details of any existing development that may be superseded by the proposal.**

None

**(c) A general description of the environment that, in the opinion of the consent authority, is likely to be affected by the proposed development**

There will be no impact on the environment.

**(d) A detailed description of any aspects of the environment that, in the opinion of the consent authority, are likely to be significantly adversely affected by the proposed development, including an assessment of whether there is any significant native vegetation that is likely to be significantly adversely affected by the proposed development.**

The proposal satisfies the pre-requisites because it is using existing buildings on site which has an approved wastewater disposal system and approved ecological assessments and Rehabilitation plans.

- The area is landscaped using an approved Environmental plan.
- Visual and climatic screening exists.
- No impact on visual exposure,
- No negative impacts on significant native vegetation
- Adequate distance from boundaries

**(e) The likely impacts of the proposed development on the environment, having regard to the following**

**(i) The nature and extent of the proposed development.**

No impact

**(ii) The nature and extent of any building work associated with the development**

No impact.

**(iii) The nature and extent of any building or work.**

No Impact

**Any rehabilitation measures to be undertaken in relation to the proposed development.**

Continued implementation of the Ecological Restoration and Rehabilitation plan approved by the Board on 31 October 2014.

**(f) A full description of the measures proposed to mitigate any adverse impacts of the proposed development on the environment.**

- Soil suitability, stability, slope, natural drainage patterns and erosion control are not affected
  - There is no effect on plants or animals that are native to the island
  - There will be no change to air, noise, or water pollution
  - There is no impact on the health of people in the neighborhood
  - There are no hazards arising from the proposal.
  - There will be no impact on traffic in the neighborhood
  - There is no impact on the local climate
  - There is no change to visual impact
  - There is no impact on soil erosion
  - There is no impact on heritage significance
  - There is no visual exposure.
  - The existing access is landscaped and established. There is no requirement for cut and fill.
  - There is no impact on fauna habitats on the site.
  - The proposal will not impact on existing native vegetation.
- There will be no adverse effects on the environment.

**5. The reasons justifying the carrying out of the proposal having regard to the biophysical, economic, and social considerations and the principles of ecologically sustainable development.**

**(a) Biophysical**

The site satisfies Zone 2 (settlement) objectives LEP 2010. The proposal is justified as the land is capable of urban development.

1. The proposal does not involve any negative impacts on significant native vegetation. The land will continue to be re vegetated and weeded.
2. The proposal will not impact on the ecology.
3. Endangered or protected species or habitats will not be disturbed.
4. Landscape Unit: DP1279044 lies within the East Coast Unit
5. A description of the existing environment:

- ◆ The RES (RES1984, Land Resources, p.8.) classifies the soil on the proposed site as weakly structured sandy soil. The soil profile is deep. The Great Soil Group is Calcareous Litho sol.
- ◆ Slope: There is a minor slope of 5-10% to the North West
- ◆ Surface drainage: The site drains generally to the South West. There are no discernible drainage lines on the site.
- ◆ Urban Capacity: Sub-Class: B-sec. This category covers the entire proposed subdivision site. The negligible constraints identified are slope, erodibility, and permeability.
- ◆ Degree of Physical Constraint: Low
- ◆ Capabilities: Residential, Zone 2 Settlement
- ◆ Rural Capabilities: The land is classified (IV), which is suitable for grazing and gardens due to the sandy soil.
- ◆ Fire Hazard: is low. The RES (1984, Bushfire Hazard) indicates that the threat posed by bushfires on Lord Howe Island is insufficient to warrant special planning controls or management programs.

- ◆ Fauna: In the forested areas the native birds present include The Lord Howe Island Silvereye *Zosterops tephroleura*, Green winged pigeon *Chalcophaps indica*, Golden Whistler *Pachycephala pectoralis*, Woodhen *Tricholimnas sylvestris*.
- ◆ Soil stability: gentle slope, natural drainage, and no erosion.
- ◆ Visual exposure: Trees provide privacy. The tree canopy protects the area from strong winds. There is potential for additional visual and climatic screening by additional planting.

**(b) Economic.**

The proposal is justified as it will benefit the business on PL2022.03 – Lot 3 DP1279044 by providing a utilities and storeroom.

Transferring 2 tourist licenses from the applicant to Ian Hutton will allow the applicant to retain his tourist accommodation business on his lease, licensed for 35 guests instead of 37 guests, and provide Ian Hutton with a business

The proposal will utilize a commercial space for the business.

**(a) Social**

The proposal is justified as it will not affect the neighborhood in terms of traffic, privacy, overshadowing of adjoining land, noise, or visual impact.

**6. A list of approvals that may be obtained under any other Act or Law before the development may be lawfully carried out.**

None.

**7. An assessment of the compatibility of the proposal with the objectives which underlies the Island's inclusion as a World Heritage Site.**

This proposal is compatible with the objectives for the following reasons.

World Heritage values will not be compromised.

The Island's unique flora and fauna will be conserved and enhanced by the implementation of the existing Re-vegetation Plan.

Conserve of World heritage values

Protect significant vegetation

Protect existing habitat of threatened species

Protect potential habitat of threatened species

Re-vegetate existing disturbed areas with native plants suited to the area approved by the Lord Howe Island Board.

**8. A detailed evaluation of the visual impact of the proposed development and measures to be taken to reduce any detrimental visual impact, including the extent to which vegetation may be used to restore a natural landscape character.**

This has been addressed in Biophysical (5)

**9. A detailed evaluation of any effect of the proposed development upon a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific, or social significance or other special value for present or future generations.**

Locality

No effect.

Aesthetic

No effect.

Anthropological

No effect.

Archaeological

No effect.

Architectural

No effect.

Scientific

No effect.

Cultural

No effect.

Historical

No effect.

**10. Justification of the proposal in terms of**

(a) The aims of the Lord Howe Island Local Environmental Plan 2010:

The proposal satisfies the pre-requisites of Zone 2 (settlement) and the LEP2010. There is no damage to the environment. There is adequate suitable land area.

(b) Any objectives of the zone in which the proposed development is to be carried out as set out in this plan:

The proposal is in sympathy with existing development on site and complies with Zone 2 Settlement (1) (a).

(c) Any relevant development controls that are set out in this plan:

There is adequate land area for further commercial development on PL2022.03 – Lot 3 DP1279044 and the proposal complies with BCA and Lord Howe Island Board regulations within Zone 2 Settlement (1) (b)

(d) The applicant will ensure that no part of the proposed development:

- (i) will result in any damage to, or the removal of, significant native vegetation, or
- (ii) will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,

(e) Access exists and will not:

- (i) Result in any damage to, or the removal of, significant native vegetation.
- (ii) have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,

(f) any proposed landscaping will use species of plants that are native to the Island and common in the locality to enhance any significant native vegetation in compliance with the approved Revegetation plan 2009,

(g) the proposal will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils, and steep slopes,

(h) adequate services exist with no cost to the Board or the community

(i) the appearance of the proposal (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality

(j) the proposal will not cause any significant overshadowing of adjoining land,

**11. An Assessment of whether there are any feasible alternatives to carrying out the proposed development including:**

**(a) The consequences of not carrying out the proposed development.**

The applicant wishes to utilize decommissioned space for a utilities and storage required to operate the tourist accommodation on Lot 3. The consequences of not carrying out the proposal will result in PL2022.03 – Lot 3 DP1279044 businesses operating inefficiently.

**(a) The reasons justifying the carrying out of the development.**

- The proposal satisfies the pre-requisites of design principles in the LEP 2010
- The proposal will have no negative environmental impact because no changes will be made to the environment.
- The proposal uses existing commercial areas

## **12. Ecologically sustainable development**

- The consideration of the environment has been set out above
- There will be no pollution generated.
- The present generation is currently preserving the environment and social wellbeing for future generations.
- There are no threats to the environment
- 

### **FIRE SAFETY MEASURES**

- The existing buildings satisfy the BCA New South Wales Fire safety conditions
- Existing materials used for the alterations and additions are compliant
- All buildings have fire rated insulation in the roof cavity and walls
- All kitchens have a fire blanket and exhaust fan
- All buildings have fire smoke alarms fitted
- There are fire extinguishers in all building

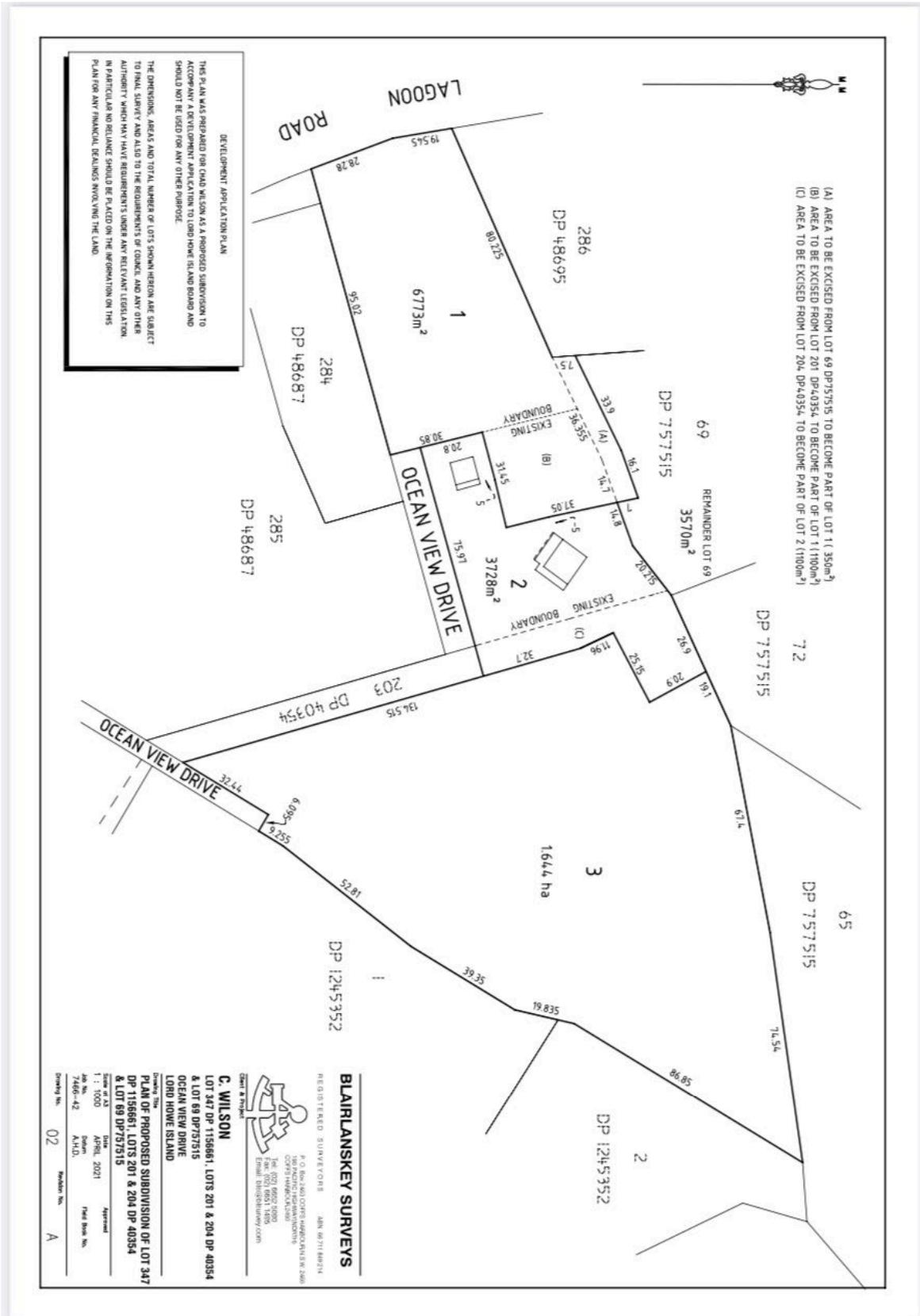
## **Conclusion.**

This environmental impact report is intended to justify the applicant's proposal to.

- ◆ Utilize areas in existing buildings on site
- ◆ Comply with the LHI LEP 2010 and DCP
- ◆ Justify and provide evidence that the proposal will have no negative impact on the environment and is following all related Acts and Legislations.
- ◆ It is considered that this application is a reasonable proposal which seeks consent to
  1. transfer two (2) tourist licenses from the applicant PL2022.03 – Lot 3 DP1279044 to Ian Hutton PL2022.04 – Lot 4 DP1279044.
  2. decommission 1 tourist unit at Oceanview Apartments on PL2022.03 – Lot 3 DP1279044 to provide space for utilities and leaving (14) tourist apartments with (35) tourist licenses
  3. Enable the Ian Hutton to establish his own tourist accommodation business

## **References:**

- \* Atkinson, G Land Resources and Study of the Lord Howe Island Settlement Area. Soil Conservation Service NSW: Sydney
- \* E.P & A Act (1979). Environmental Planning and Assessment Act. D West, Government Printer: Sydney
- \* Hutton, I (1986). Discovering Australia's World Heritage-Lord Howe Island Conservation Press: Canberra
- \*LEP (2010). Lord Howe Island-Regional Environmental Plan Lord Howe Island Board: Sydney



Subdivision showing Part 16,440 sqm



Tourist units on PL2022.03 – Lot 3 DP1279044 showing Unit 16 proposed to be decommissioned and change of use tourist accommodation to Utilities and storage.

Tourist tourist license layout for Ocean View Apartments.

Unit 1 (2) tourist licenses, Unit 2 (2) tourist licenses, Unit 3 (2) tourist licenses, Unit 4 (2) tourist licenses, Unit 5 (2) tourist licenses, Unit 6 (2) tourist licenses, Unit 7 (3) tourist licenses, Unit 8 (3) tourist licenses, Unit 9 (2) tourist licenses, Unit 10 (2) tourist licenses, Unit 11 (2) tourist licenses, Unit 12 (2) tourist licenses, Unit 14 (4) tourist licenses, Unit 15 (5) tourist licenses, Unit 16 (2) tourist licenses and a total of 37 tourist licenses.



Tourist units on PL2022.03 – Lot 3 DP1279044 showing Unit 16 (outlined in red) proposed to be decommissioned and change of use tourist accommodation to Linen & Cleaning Equipment Storage.

- A part of the decommissioning of unit 16 is removing all the cooking facilities/white goods/furniture/electrical goods.
- Retain bathroom facilities for WHS with handling of cleaning products & equipment.
- Installing metal shelving to store linen & cleaning equipment.
- Install outside partitioning on veranda to separate from tourist accommodation & have staff only access.

Record Number: ED20/6076  
Enquiries: John van Gaalen

03/07/2020

Mr K Wilson  
C/- Post Office  
LORD HOWE ISLAND NSW 2898

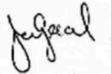
Dear Kevin

**RE: LICENCE TO PROVIDE TOURIST ACCOMMODATION**

I am pleased to enclose your licence to provide tourist accommodation for the period  
1 July 2020 to 30 June 2023.

Please note the conditions attached.

Yours sincerely



John van Gaalen  
**Manager Business and Corporate Services**



Administrative Office  
P.O. Box 5  
Lord Howe Island 2898  
Phone: 02 6563 2066  
Facsimile: 02 6563 2127  
Email: administration@hib.nsw.gov.au



## LICENCE TO PROVIDE TOURIST ACCOMMODATION

In pursuance of Part 4 of the *Lord Howe Island Regulation 2014* under the *Lord Howe Island Act, 1953*,

Mr K Wilson

is hereby granted a licence to provide tourist accommodation at the premises known as

Ocean View Apartments

ABN 63 001 885 776

Located on Perpetual Lease number : PL1954.05

for the period 1 July 2020 to 30 June 2023, subject to the attached conditions.



John van Gaalen  
MANAGER BUSINESS AND CORPORATE SERVICES

For and on behalf of the  
LORD HOWE ISLAND BOARD

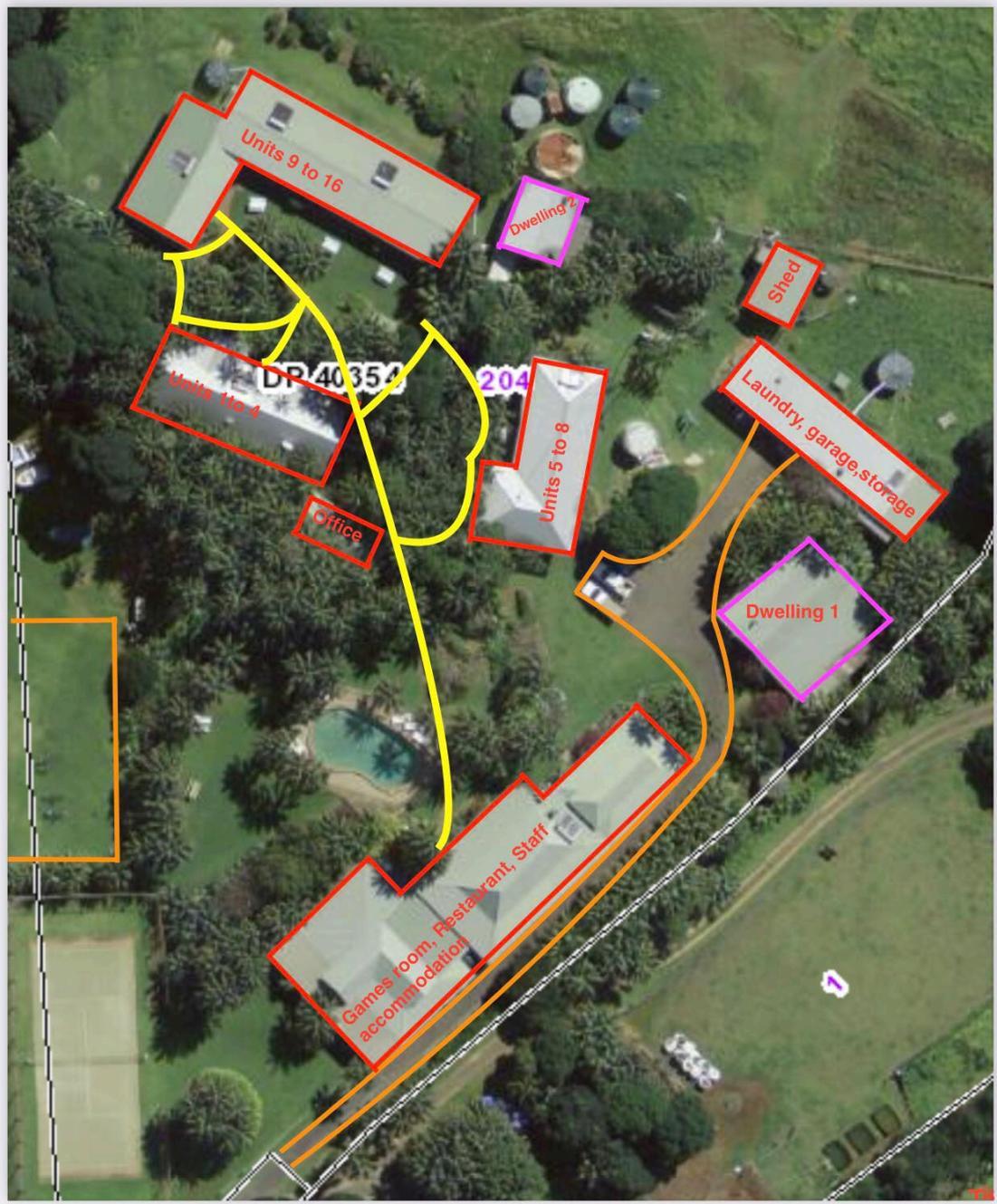
**Attachment 1**

**Conditions of Licence to Provide Tourist Accommodation**

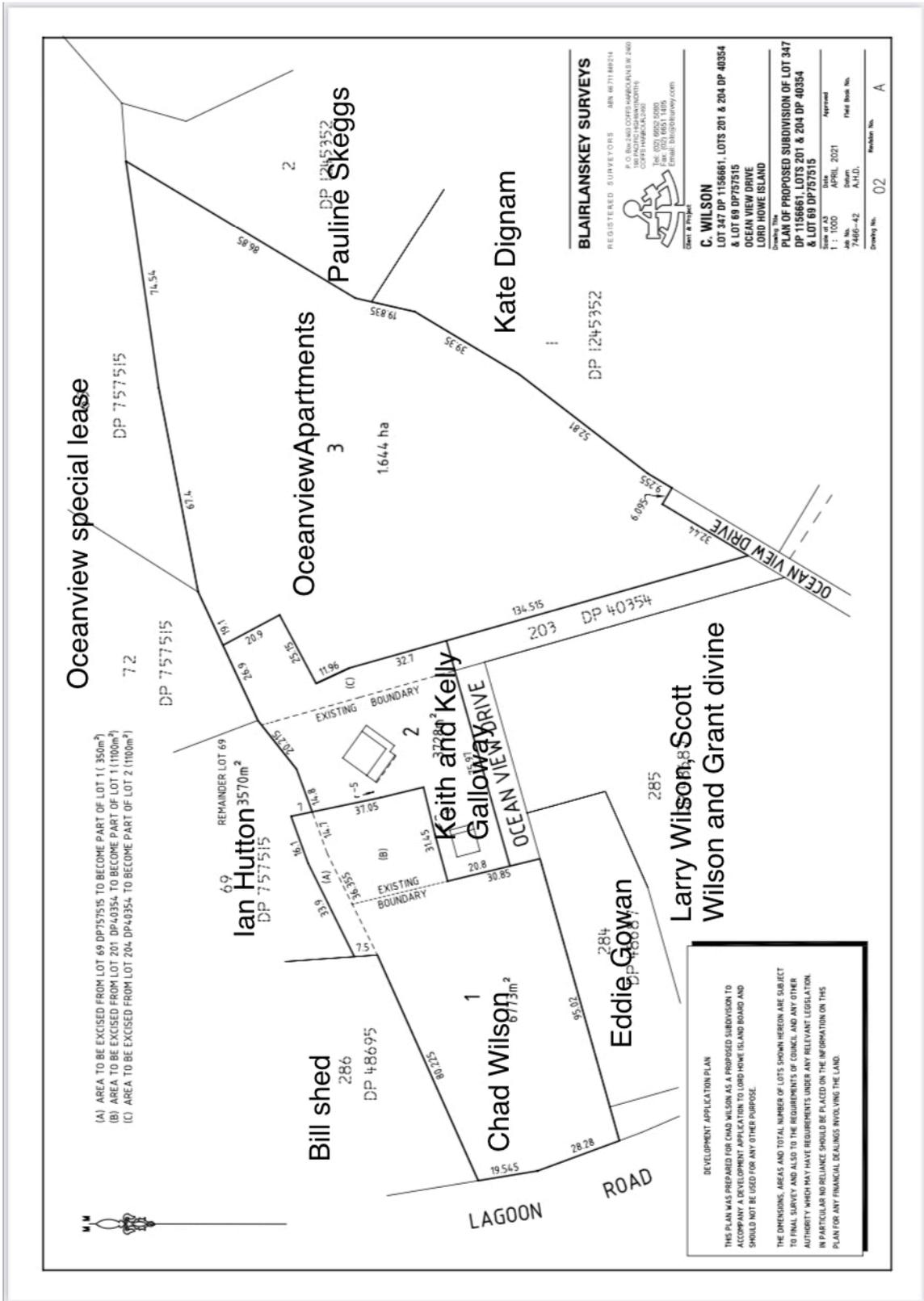
1. The nominated place of business for tourist accommodation is at the premises known as Ocean View Apartments, Ocean View Drive, Lord Howe Island, NSW, 2898.
2. The maximum number of persons which may be accommodated at any one time is 37, excluding children under five years of age.
3. On no account are tourists to be accommodated in staff quarters or any place other than the licensed tourist accommodation.
4. The licensee must maintain an Accommodation Register which captures the following information on persons staying overnight at the premises:
  - a. The name of the premises,
  - b. The number of all persons and the room numbers of all persons so accommodated,
  - c. The numbers of all persons being under five years of age, and
  - d. The dates the persons referred to above arrive at and depart from the premises.
5. The licensee must grant to the Board's Chief executive Officer, Manager Business and Corporate Services, Manager Environment and Community Services, Manager Infrastructure and Engineering Services free access to the Accommodation Register for the purpose of perusing or taking extracts of entries made in the Accommodation Register and will, upon request, supply to him or her a copy of the information listed in Condition 4.
6. The Board's CEO, Manager Business and Corporate Services, Manager Environment and Community Development, Manager Infrastructure and Engineering Services may enter any premises on the lease after the Board has given at least 24 hours written notice (unless the giving of the notice would defeat the purpose of the exercise of this power) of its intention to enter the premises so as to determine whether the licensee is in compliance with the conditions of this licence. The notice must specify the name of the person conducting the inspection and the time of the inspection.
7. The licensee must not obstruct, hinder or interfere with a person authorised in accordance with Condition 5.
8. The licensee must effect and maintain in respect to the premises a public liability insurance policy in an amount of not less than \$10 million, or such other amount as the Board may from time to time require, being the amount which may be paid arising out of any one single accident or event.
9. The licensee must provide the Board, within two business days of the Board's demand, a copy of the insurance policy referred to at Condition 8 above.
10. Except during any period of suspension, a licence continues to be in force until such time as it is cancelled or, in the case of a licence that is granted for a specified term, when that term expires.
11. A licence is not transferable unless the proposed transfer is in accordance with the

Board's Tourism Accommodation Strategy, and the transferee and the Board have consented in writing to the transfer.

12. The conditions of a licence may only be altered, modified, added to or revoked by the Board during the currency of the licence with the written consent of the licensee.
13. Prior to the renewal of a Licence to Provide Tourist Accommodation, the licensee is required to provide a plan showing particulars, including the room numbers, of the premises to be licensed and all staff accommodation and all buildings, and that the room numbers shown on the application must correspond to numbers permanently affixed on the rooms of the premises to be licensed.
14. Breaches of license conditions may result in penalties ranging from a written warning to fines of up to \$5,500 per offence, a reduction in the maximum number of persons which may be accommodated at any one time, suspension of the licence or cancellation of the licence.
15. The official "Licensed Tourist Accommodation" identification plaque supplied by the Board must be displayed in each accommodation unit licensed.



All red shapes are commercial buildings and are labelled, all purple shapes are dwellings and are labelled. Orange marked areas in driveway and parking area. Yellow lines are pathways.



Adjoining leases



Vegetation cover



Lord Howe Island Board

To: LHI Board  
Lord Howe Island  
NSW 2898

From: Ian Hutton  
1 Sainsbury Drive  
Lord Howe Island  
NSW 2898

1 October 2022

## **TRANSFER OF TWO TOURIST ACCOMMODATION LICENCES**

I apply to the Board to receive two tourist accommodation licences from Kevin Wilson, and grant them to my business Lord Howe Island Nature Tours (ABN 61 65 000 2716), to be used in Room 1 of a new apartment to be built on the lease Lot 4 DP 1279044.

### **Background**

As outlined in the agreement dated 19 June 2021 between Kevin Wilson, Chad Wilson and Ian Hutton, a portion of land from my lease PL 1954/48 is being transferred to Chad Wilson in exchange for two tourist accommodation licences from Kevin Wilson of Oceanview to Ian Hutton.

A copy of this agreement was provided to the Board at the outset of the subdivision process, and discussed with Justin Sauvage, then senior manager of the Board. Form 6 Transfer of Lease have been signed by me and others in this transaction and submitted to the Board. The tourist accommodation licences are to be transferred at the same time.

I understand Kevin Wilson has applied to the Board to decommission Unit 16 of Ocean View Apartments with two tourist accommodation licences and transfer those two licences to me. I am applying to the Board to receive these two licences.

When the two tourist accommodation licenses have been issued to me, it is my intention to apply to the LHI Board to construct a tourist accommodation apartment with the two tourist accommodation licences on my new lease Lot 4 DP 1279044.

The proposed accommodation apartment will cover 85 sqm, in an area of the lease where no significant native vegetation is to be removed, and will be compliant with the rules and regulations of the LHI Board.

### **Site description**

My new perpetual lease after the above partial land transfer is Lot 4 DP 1279044, with land size of 3579 sqm in total.

On this lease currently there is one residential dwelling known as Lynwood, with a garage, a laundry and two sheds at the west end of the lease. Total built areas are 185 sqm, less than the 15% allowable building limit (15% x 3000 sqm = 450 sqm).

### Existing residential buildings

Dwelling - Lynwood	114 sqm
Single garage	24 sqm

Laundry	20 sqm
Tool shed	18 sqm
Garden shed	9 sqm

The lease is 3579 sqm in total, which allows 579 sqm for commercial purposes. The proposed tourist accommodation apartment has a building area of 85 sqm, within the allowable size of 87 sqm (15% x 579 sqm).

The proposed tourist apartment will be located at the east end of the lease on an old avocado orchard area. No significant native vegetation will be required to be removed.

**Attachment 1:** a draft plan showing the site for a proposed tourist accommodation is to be on the old Avocado orchard of Lot 4 DP 1279044; no significant native vegetation will be removed.

### **Draft floor plan for proposed tourist accommodation**

We plan to build a self-contained tourist accommodation of 85 sqm, with draft floor plan in Attachment 2 showing the particulars of the premise to be licenced.

The two tourist accommodation licences will be used in Room 1 which is the only bedroom in the building with a king size bed. The guests will have access to a lounge area, open kitchen and dining area, bathroom and laundry. The maximum number of persons to be accommodated at any one time at this building is 2 excluding children under five years of age.

Included at the back of the building is a transit and storage room with separate entrance, a toilet and shower. This room will serve two purposes: 1). as a storage room for linen and guest supplies; and 2). as guest luggage storage and change room after guests check out and before their flight out of the island.

We will commission a professionally prepared and compliant Development Application for the tourist accommodation after we receive the two tourist accommodation licences.

**Attachment 2:** draft floor plan of the proposed tourist accommodation of 85 sqm, with Room 1 as tourist bedroom with two tourist accommodation licences, bathroom/laundry, lounge with open kitchen. It also shows the transit and storage room with separate entrance at the back.

### **Social and environmental impact:**

I have been in tourist business with the business name of Lord Howe Island Nature Tours (ABN 61 65 000 2716) with my partner. The two bed licences will enable us to expand the service offers to include tourist accommodation and provide steady income when we will eventually wind down other services.

We will apply to the Board to update my business licence to include tourist accommodation after we receive the two tourist accommodation licences.

There are no additional bed licenses being sought by this application, just a redistribution of 2 tourist accommodation licences from Kevin Wilson of Oceanview Apartments to Ian Hutton (Lot 4 DP 1279044). There is no impact to the number of bed licences on the Island.

The proposed accommodation will be built in the old avocado orchard in the east side of the lease. No significant native vegetation will be damaged or removed with this application. We will landscape the area with native vegetation.

**Attachment 3:** a drone photograph of Lot 4 DP 1279044 showing that no native vegetation will be removed in construction of the tourist accommodation.

I trust this letter and the three attachments are sufficient for the transferring the two tourist accommodation licences.

All parties involved in this Land Subdivision and Transfer of Tourist Accommodation Licences Agreement are eager to complete both the transfer of leases and tourist accommodation licences. We all need certainty to plan for business, funding and resources.

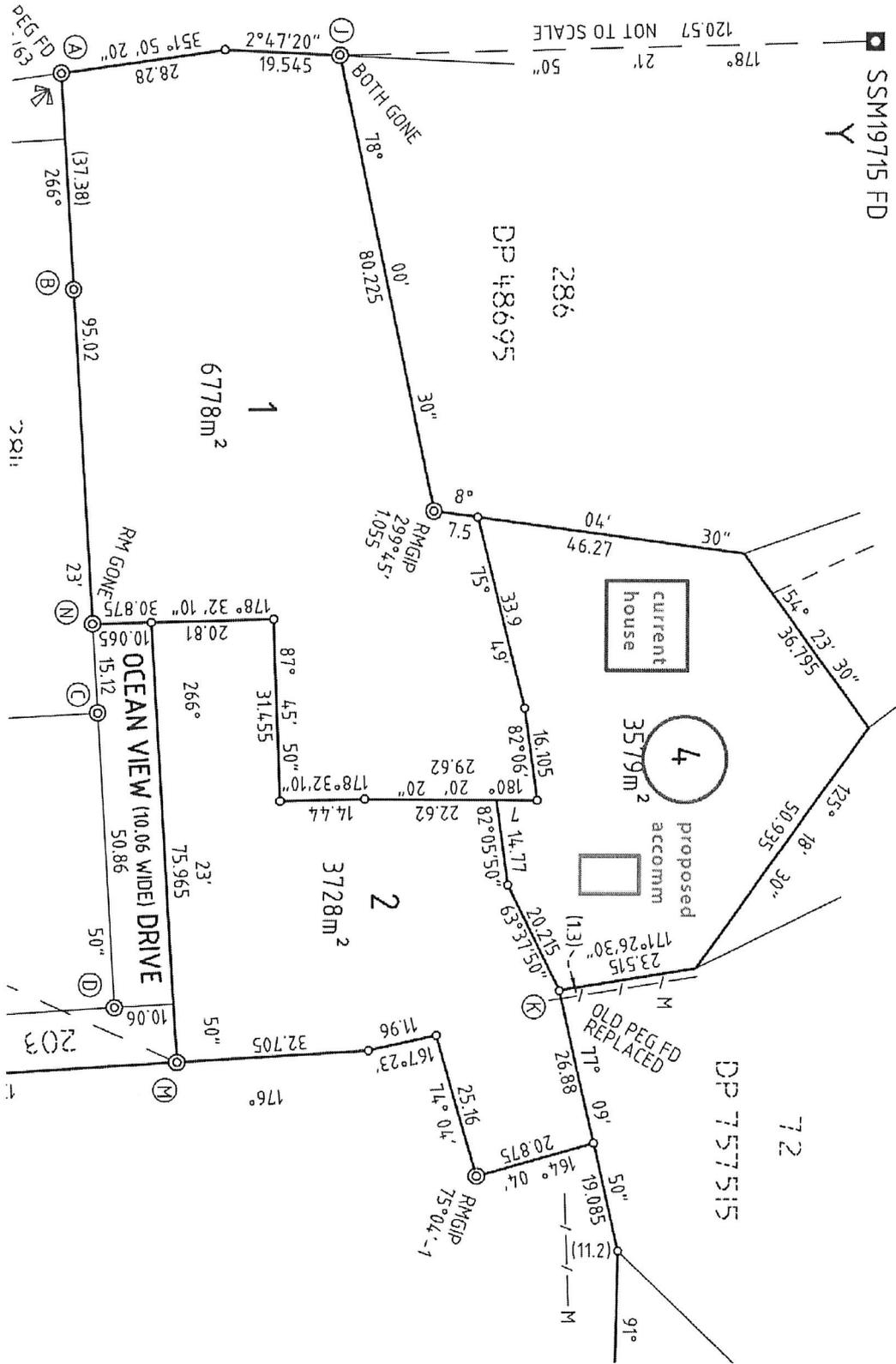
Please get in touch if there is anything further you wish to discuss or need from me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Hutton', with a stylized flourish at the end.

Ian Hutton

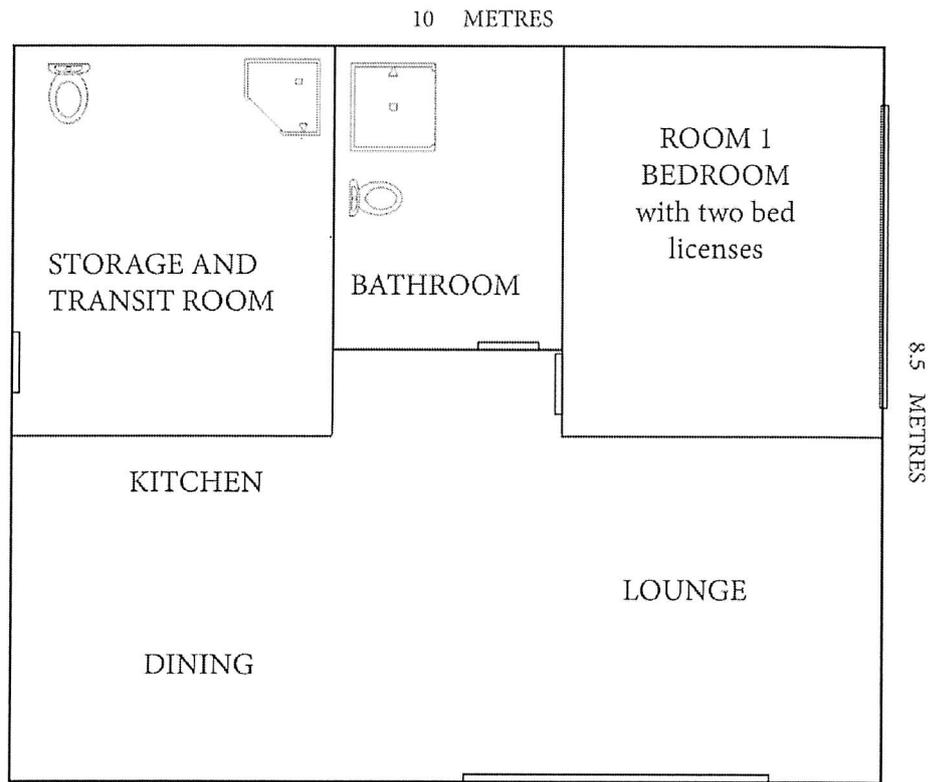
ATTACHMENT 1 Lease Lot 4 DP 1279044



(A2)

## ATTACHMENT 2

Draft proposed tourist accommodation Lot 4 DP 1279044



### ATTACHMENT 3

Approximate lease boundary and site of proposed tourist accommodation



# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

---

Transfer of four (4) Public Accommodation Licences for Lagoon Landing – from Lisa Makiiti and Rodney Oxley to Kylie Owens and Rahnne Owens

#### Recommendations

---

1. **Approve** the immediate cancellation of the Public Accommodation Licence for Lagoon Landing in the names of Lisa Makiiti and Rodney James Oxley for PL2016.02
2. **Approve** the immediate issue of a Public Accommodation Licence for Lagoon Landing in the names of Kylie Owens and Rahnne Owens for PL2021.06 for the maximum number of 4 persons, excluding children under five years of age, who may be accommodated at any one time;

#### Current position

---

The *Lord Howe Island Regulation 2014* states the following:

#### ***Part 4 Licensing of tourist accommodation and other commercial undertakings***

#### **48 Meaning of tourist accommodation**

*In this Part, **tourist accommodation** means public accommodation that is provided predominantly for tourists to the Island as a commercial undertaking.*

#### **49 Licensing of tourist accommodation and other commercial undertakings**

*(1) a Person must not-*

- (a) provide tourist accommodation or carry on any other commercial undertaking on the Island, or*
- (b) use premises for the provision of tourist accommodation or for the carrying on of any other commercial undertaking,*

*Except in accordance with a licence granted by the Board for that purpose.*

*(2) A licensee must not contravene a condition of the licensee's licence.*

*(3) A licensee must not, without reasonable excuse, refuse or fail to produce the licensee's licence for inspection on being requested to do so by the Board.*

The Tourist Accommodation Strategy was adopted at the September 2015 Board Meeting. Its purpose is to assist in the enforcement of licence conditions post transfer. The current process for the transfer of Public Accommodation Licences is summarised below:-

- a) The buyer and seller must apply to the Board to vary the accommodation licence/s,
- b) The buyer and seller must provide the Board with a floor plan showing the particulars of the premises to be licensed, including the room numbers, pre and post transfer,
- c) On receipt of the site plan, the Board will conduct an audit of the premises to ensure that they are currently compliant with their Licence for Provision of Public Accommodation,
- d) On satisfactory completion of steps 1 to 3 above, the matter will be referred to the Board for decision, and
- e) If approved by the Board, and subject to the conditions imposed by the Board, the existing Licence for Provision of Tourist Accommodation will be cancelled and a new licence issued to reflect the increased / reduced number of accommodation units and increased / reduced number of people, excluding children under five years of age, who may be accommodated at any one time.

## Background

At the September 2021 Board Meeting, the Board endorsed the sale Lot 10, DP1274979 from Lisa Makiiti and Rodney James Oxley to Kylie Owens with Lisa Makiiti and Rodney James Oxley retaining Lot 11, DP1274979 and Lot 1 of DP1174920. Lot 10 encompasses the tourist accommodation known as Lagoon Landing, a residence and tourist related infrastructure and landscaping. Subsequently on 24 November 2021 the Minister approved the surrender and creation of two new perpetual leases for Lisa Makiiti and Rodney Oxley PL2021.05 and Kylie Owens PL2021.06.

Currently four (4) Public Accommodation licences are held by Lisa Makiiti and Rodney James Oxley for Lagoon Landing over their surrendered perpetual lease PL2016.02. Lisa Makiiti and Rodney James Oxley are no longer the owners of Lot 10 DP1274979 and PL2016.02 no longer exists, therefore the reissue of the licences is required.

No Additional licences are being applied for, just the redistribution of the licences held by Lisa Makiiti and Rodney Oxley as a result of the sale of Lagoon Landing.

The public accommodation licences for Lagoon Landing do not automatically transfer as a result of the transfer by way of sale and is a completely separate process, assessed under the Tourist Accommodation Strategy Steps a) to e) listed above.

The Board has received an application to transfer of four (4) public accommodation licences from Lisa Makiiti and Rodney James Oxley to Kylie Owens and Rahnne Owens (Attachment A).

The tourist accommodation known as Lagoon Landing consists of two (2) one bedroom tourist accommodation cottages, the maximum number of persons which may be accommodated at any one time is 4, excluding children under five years of age.

## Site Inspection and Audit of Premises

As per c) of the of the Tourist Accommodation Strategy an audit of the premises was undertaken by Darcelle Matassoni on 22 November 2022.

The 4 public accommodation licences are distributed evenly between two, one-bedroom units. Each unit has one queen bed when can be swapped out for a twin option if required.

The configuration has not changed in use or configuration through the change of ownership process and meets all requirements under the strategy.

Steps a) to c) of the Tourist Accommodation Strategy shown above have been completed.

As per e) of the Tourist Accommodation Strategy, it is recommended that the existing Licence for Provision of Tourist Accommodation will be cancelled and a new licence issued to reflect the increased / reduced number of accommodation units and increased / reduced number of people, excluding children under five years of age, who may be accommodated at any one time.

## Attachments

Attachment	Title
A	Application to transfer 4 public accommodation licences from Lisa Makiiti and Rodney James Oxley to Kylie Owens and Rahnne Owens – 20 October 2022 - Open

## Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Darcelle Matassoni	A/Manager Environment & Community Services

Rec: -22394  
Rec: -22393

Lisa Makiiti and Rod Oxley, Kylie Owens and Rahnne Owens

Lagoon Landing

Lord Howe Island

LHI Board

RECEIVED  
20 OCT 2022  
Lord Howe Island Board

Ref: Transfer of Public Accommodation Licences associated with lease transfer

3<sup>rd</sup> September 2021

This is to advise that along with the impending sale of Lagoon Landing from Lisa Makiiti and Rod Oxley to Kylie Owens, the associated bed licences will need to be transferred.

The existing bed licence numbers and configuration will remain unchanged, being 2 per house, total 4.

Please cancel both Lagoon Landing business licence and bed licence fee in the current names of Makiiti/Oxley, and re-issue to Kylie Owens. and Rahnne Owens.

Thank you,

Signed:

K. Owens,

RECEIVED  
20 OCT 2022  
Lord Howe Island Board  
REC: 22394  
REC: 22393

Kylie Owens, Rahnne Owens

Lagoon Landing

Lord Howe Island

LHI Board

Ref: Transfer of Public Accommodation Licenses associated with Sale of Lagoon Landing

20/10/2022

This is to advise that along with the sale of lagoon landing from Lisa Makitti and Rod Oxley to Kylie Owens and Rahnne Owens the associated bed licenses will need to be transferred.

The existing bed license numbers and configuration will remain unchanged being 2 per house total 4

Please re-issue the Business License and bed Licenses for Lagoon Landing to Kylie Owens and Rahnne Owens [ joint Directors of LHI Diamond Group Pty]

Thankyou

Signed 20/10/22

Kylie Owens



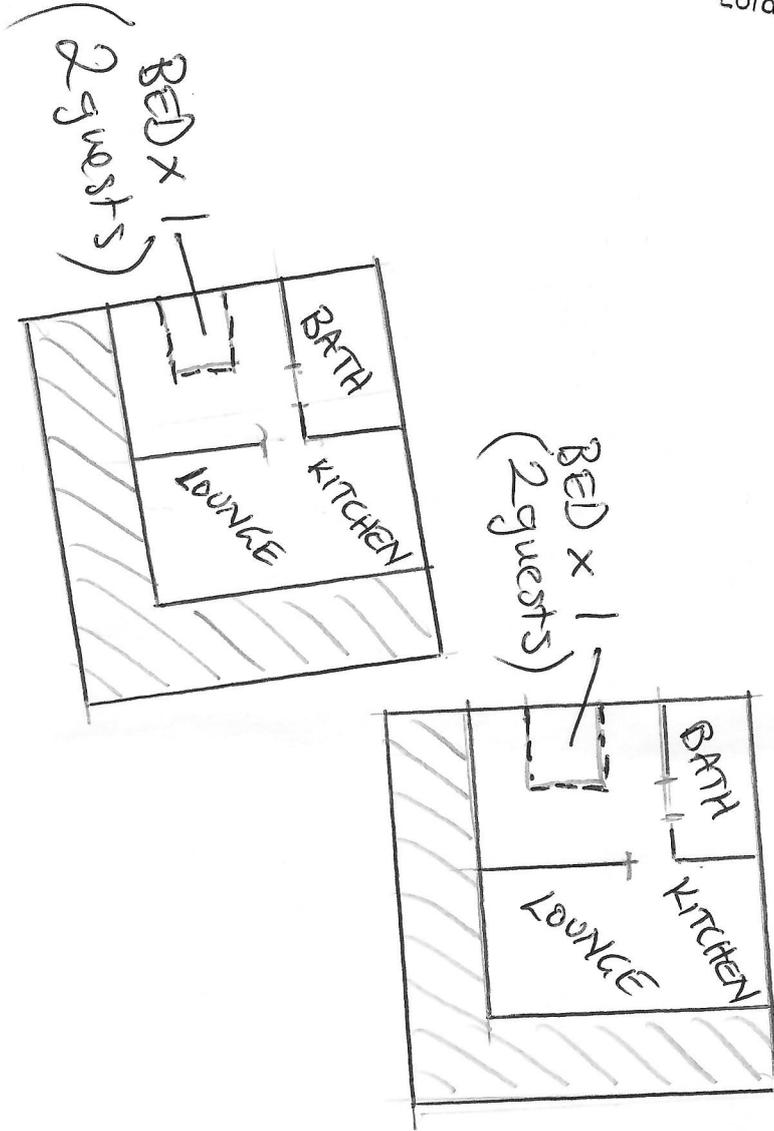
Rahnne Owens



# LAGOON LANDING

**RECEIVED**  
20 OCT 2022

Lord Howe Island Board



Floor plan indicating 4 bed licences, 2 per house, unchanged configuration pre and post transfer.

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

---

Transfer of twelve (12) Public Accommodation Licences from Owens Diane, Lorhiti to Diane Owens – Fletcher Owens and Jessica Owens

#### Recommendations

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1. **Approve** the issue of a Public Accommodation Licence (2) in the name of Diane Owens for PL2021.01 for the maximum number of 2 persons, excluding children under five years of age, who may be accommodated at any one time;
2. **Approve** the issue of a Public Accommodation Licence (8) in the name of Fletcher Owens, Lorhiti for PL2021.02 for the maximum number of 8 persons, excluding children under five years of age, who may be accommodated at any one time;
3. **Approve** the issue of a Public Accommodation Licence (2) in the name of Jessica Owens for PL1954.37 for the maximum number of 2 persons, excluding children under five years of age, who may be accommodated at any one time;
4. **Approve** the use of the two public accommodation licences in the name of Diane Owens to operate from Unit 2 at Lorhiti Apartments until the construction of Diane Owens' own tourist accommodation apartment is complete on Lot 1 of DP1261010. At this time Unit 2, Lorhiti will be decommissioned in accordance with the submitted development application DA2022.6.1.

#### Current position

---

At the May 2020 Board Meeting, the Board endorsed the sale of Lorhiti, Lot 2 of DP1261010 from Diane Owens to Fletcher Owens with Diane Owens retaining Lot 1 of DP1261010. Subsequently, on 23 February 2021, the Minister approved the surrender and creation of two new perpetual leases for Diane Owens PL2021.01 and Fletcher Owens PL2021.02.

Currently twelve (12) Public Accommodation licences are held by Diane Owens for Lorhiti over her surrendered perpetual lease PL2015.02. Diane Owens is no longer the owner of Lorhiti and PL2015.02 no longer exists, therefore the reissue of licences is required.

No additional licences are being applied for, just the redistribution of the licences held by Diane Owens as a result of the sale of Lorhiti Apartments.

The public accommodation licences for Lorphiti do not automatically transfer as a result of the transfer by way of sale and is a completely separate process, assessed under the Tourist Accommodation Strategy Steps a) to e) listed above.

The Board has received an application for the transfer of twelve (12) Public Accommodation licences from Diane Owens, Lorphiti as follows (Attachment A) :-

- Two (2) licences to Diane Owens - PL2021.01;
- Eight (8) licences to Fletcher Owens at Lorphiti Apartments - PL2021.02; and
- Two (2) licences to Jessica Owens - PL1954.37.

### **Decommissioning of Unit 1 and Unit 2 at Lorphiti**

It is proposed to reduce the public accommodation licences for Lorphiti from 12 to 8. In order to achieve this, Unit 1 and Unit 2 require decommissioning and change of use applications for the redundant tourist accommodation units.

- Unit 1 - has already been approved for decommissioned. On 16 December 2021 the Board approved the change of use of Unit 1 at Lorphiti Apartments to an additional transit room for Lorphiti guests due to Covid19 regulations.
- Unit 2 - a current owner consent and development application has been lodged and is in the process of being assessed by our external planners. Decommission Unit 2 Lorphiti and Change of Use Unit 2 Lorphiti from tourist accommodation to Assembly/ Meeting/Conference Room

### **Proposed Tourist Accommodation on PL2021.01 – Diane Owens**

Diane Owens has applied to retain two (2) public accommodation licences on PL2021.01, with a view to operating her own tourist accommodation apartment on Lot 1 of DP1261010.

To date, no owner consent/development application has been lodged for the construction of a tourist accommodation apartment on Lot 1 DP1261010 for Diane Owens, however, she has advised that an application will be submitted after the transfer of licences is complete (Attachment A).

Diane Owens has applied to operate her two (2) public accommodation licences from Unit 2 at Lorphiti Apartments until approval and construction of her tourist apartment is complete (Attachment B)

### **Proposed Tourist Accommodation on PL1954.37 – Jessica Owens**

Jessica Owens has an approved Development Application to construct a New Tourist Accommodation/onsite wastewater system/Transfer of two public accommodation licences from Diane Owens.

This development application was approved by the Board on 24 September 2021. The construction of the tourist accommodation has not yet commenced and the development application approval expires on 24 September 2026.

## Site Inspection and Audit of Premises

As per c) of the Tourist Accommodation Strategy, an audit of Unit 1 and 2 Lorhiti Apartments was undertaken by Darcelle Matassoni on 25 November 2022.

Unit 1 and 2 are pending decommission following the transfer of bed licences and decision of the Board regarding use of Unit 2 by Diane until such a time as she is able to house the beds in her own accommodation (pending a DA process).

Unit 1 will then be decommissioned and become a transit room (MDC2021.3.2 - approved) and Unit 2 will be decommissioned and become an assembly/meeting/conference room (DA2022.6.1 - submitted).

Step a) to c) of the Tourist Accommodation Strategy shown below have been completed.

As per e) of the Tourist Accommodation Strategy, it is recommended that the existing Licence for Provision of Tourist Accommodation be cancelled and a new licence issued to reflect the increased / reduced number of accommodation units and increased / reduced number of people, excluding children under five years of age, who may be accommodated at any one time.

## Background

The *Lord Howe Island Regulation 2014* states the following:

### **Part 4 Licensing of tourist accommodation and other commercial undertakings**

#### **48 Meaning of tourist accommodation**

*In this Part, **tourist accommodation** means public accommodation that is provided predominantly for tourists to the Island as a commercial undertaking.*

#### **49 Licensing of tourist accommodation and other commercial undertakings**

*(1) a Person must not-*

- (a) provide tourist accommodation or carry on any other commercial undertaking on the Island, or*
- (b) use premises for the provision of tourist accommodation or for the carrying on of any other commercial undertaking,*

*Except in accordance with a licence granted by the Board for that purpose.*

*(2) A licensee must not contravene a condition of the licensee's licence.*

*(3) A licensee must not, without reasonable excuse, refuse or fail to produce the licensee's licence for inspection on being requested to do so by the Board.*

The Tourist Accommodation Strategy was adopted at the September 2015 Board Meeting. Its purpose is to assist in the enforcement of licence conditions post transfer. The current process for the transfer of Public Accommodation Licences is summarised below:

- a) The buyer and seller must apply to the Board to vary the accommodation licence/s,
- b) The buyer and seller must provide the Board with a floor plan showing the particulars of the premises to be licensed, including the room numbers, pre and post transfer,

- c) On receipt of the site plan, the Board will conduct an audit of the premises to ensure that they are currently compliant with their Licence for Provision of Public Accommodation,
- d) On satisfactory completion of steps 1 to 3 above, the matter will be referred to the Board for decision, and
- e) If approved by the Board, and subject to the conditions imposed by the Board, the existing Licence for Provision of Tourist Accommodation will be cancelled and a new licence issued to reflect the increased / reduced number of accommodation units and increased / reduced number of people, excluding children under five years of age, who may be accommodated at any one time.

## Attachments

Attachment	Title
A	Letter – Application Transfer 12 public accommodation licences from Owens Diane Owens Lorhiti to Diane Owens – Fletcher Owens and Jessica Owens – 29 October 2022 - Open
B	Request for approval for Fletcher Owens at Lorhiti to operate 2 public accommodation licences for Diane Owens until the construction of her tourist accommodation apartment is complete – 29 October 2022 – Open

## Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Darcelle Matassoni	A/Manager Environment & Community Services

Diane Owens **LOT 1, DP1261010**

78 Anderson Road  
Lord Howe Island  
NSW 2898

Fletcher Owens **LOT 2, DP1261010**

78 Anderson Road  
Lord Howe Island  
NSW 2898

Jessica Owens **LOT 21 DP1169260 and LOT 22 DP757515**

29 October 2022

Suzi Christensen  
CEO Lord Howe Island Board  
PO Box 5  
Lord Howe Island  
NSW 2898

**TRANSFER 8 TOURIST LICENCES FROM DIANE OWENS, LOT 1, DP1261010  
TO FLETCHER OWENS, LOT 2, DP1261010**

**AND**

**TRANSFER 2 TOURIST LICENCES FROM DIANE OWENS, LOT 1, DP1261010 TO JESSICA OWENS, LOT 21  
DP1169260 and LOT 22 DP757515**

**AND**

**RETAIN 2 TOURIST LICENCES FOR DIANE OWENS, LOT 1, DP1261010**

Dear Suzi

### **THE SITUATION**

I currently hold twelve (12) tourist licenses which are accommodated in six (6) tourist apartments at Lorhiti Apartments. There are 3 current applications in the LHIB system which I wish to withdraw (20-7-22, 19-01-21 and 24-1-22). This is requirement (a) New application to transfer tourist licenses.

I have sold Lorhiti Apartments to Fletcher Owens, however, the 12 tourist licenses remain in my name.

Unit 1 at Lorhiti Apartments has been approved to be decommissioned as a tourist apartment, with change of use to extension of the transit lounge, on 16 December 2021.

Unit 2 is in the process of decommissioning to a conference/meeting room for guests. This is on NSW planning portal pending processing and determination by Peter Chapman. Submitted on 8-2-22. It is unclear why this has not been processed. Fletcher Owens does not wish to withdraw this application.

### **THE PLAN**

Diane Owens requests to transfer 8 (eight) of my 12 (twelve) tourist accommodation licenses to Fletcher Owens leaseholder **LOT 2 , DP1261010** known as "Lorhiti Apartments".

Diane Owens requests to transfer 2 (two) of my 12 (twelve) tourist accommodation licenses to Jessica Owens leaseholder **LOT 21 DP1169260 and LOT 22 DP757515** known as "Kentia".

Approval has been given to transfer 2 (two) tourist accommodation licenses to Jessica Owens, Leaseholder of Lot 21, DP1169260 (determined with approval for a tourist accommodation for Jessica Owens in 2021) This transfer to Jessica Owens will not take place until 01 February 2023.

I wish to retain 2 (two) tourist accommodation licenses in my name and operate a tourist accommodation business from my Lease, **LOT 1, DP1261010** with two (2) tourist licenses.

I wish to operate my 2 (two) tourist licenses from Lorhiti Apartments until approval and construction of my tourist apartment is finalised (see attached cover letter) signed.

(c) On receipt of the site plan please contact Fletcher Owens 6563 2081 E: [fletcher@lorhiti.com](mailto:fletcher@lorhiti.com) for an inspection.

### **JUSTIFICATION**

There will be no change to the tourist license numbers on Lord Howe Island.

A plan of the proposed decommissioned units (UNITS 1 and 2) is attached.

A proposed plan of my tourist accommodation will be submitted.

Surrendering my existing 12 tourist licenses and reissue of 8 licenses to Fletcher Owens, and 2 licenses to Jessica Owens and retaining 2 licenses in my name, will create no changes to the terms and conditions of my existing license.

For the transfer of licenses to proceed Unit 2 requires a change of use from tourist accommodation (Class 3) to Meeting/Conference room (Class 9b). Decommissioning Unit 1 has recently been approved from a Class 3 building to a Class 9b (Assembly building). An OC/DA has been submitted to NSW Planning portal awaiting processing.

There will be no structural change to Lorhiti Apartments building and units. There is no change to GFA.

Attached is a plan of the existing units and location of Units 1 and 2 in the building. Unit 2 will be decommissioned and change of use Unit 2 to meeting/conference room. Remaining Lorhiti units 3, 4, 5 and 6 will operate as usual with 8 tourist licenses (2 guests per unit).

Below is an email from LHIB administration indicating the process to transfer the tourist licenses:

*The process for a transfer of accommodation licences is as follows:*

- a) *The buyer and seller must apply to the Board to vary the accommodation licence/s,*
- b) *The buyer and seller must provide the Board with a floor plan showing the particulars of the premises to be licensed, including the room numbers, pre and post transfer,*
- c) *On receipt of the site plan, the Board will conduct an audit of the premises to ensure that they are currently compliant with their Licence for Provision of Public Accommodation,*
- d) *On satisfactory completion of steps 1 to 3 above, the matter will be referred to the Board for decision, and*
- e) *If approved by the Board, and subject to the conditions imposed by the Board, the existing Licence for Provision of Tourist Accommodation will be cancelled and a new licence issued to reflect the increased / reduced number of accommodation units and increased / reduced number of people, excluding children under five years of age, who may be accommodated at any one time.*

*Under the current LEP redundant tourist accommodation may be used as staff accommodation for other non-tourist accommodation commercial activities; all that is required is development consent for a 'change of use'.*

Thank you and best regards

Diane Owens

SIGNED

Diane Owens



Jessica Owens



Fletcher Owens



DATE:

29 October 2022

Ref: MDC2021.3.2  
Enquiries: Justin Sauvage

24 December 2021

Mrs Diane Owens  
PO Box 26  
LORD HOWE ISLAND NSW 2898



ADMINISTRATION OFFICE  
P.O. Box 5  
Lord Howe Island NSW 2898

Phone: 02 6563 2066  
Facsimile: 02 6563 2127  
Email: [administration@lhib.nsw.gov.au](mailto:administration@lhib.nsw.gov.au)

Dear Mrs Diane Owens

**RE: NOTICE OF DETERMINATION OF APPLICATION TO MODIFY DEVELOPMENT CONSENT UNDER ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

I am writing in reference to your application to modify development consent for MDC2021.3.2.

Pursuant to section 4.55 of the Environmental Planning & Assessment Act, notice is hereby given of the determination by the consent authority. Your application has been conditionally approved.

<b>Proposed Development</b>	MDC2021.3.2
<b>Property Description</b>	Lot: 2 DP: 1261010
<b>Description of Proposed Development</b>	Modification of unit 1 approved change of use from staff room, office, storage and utilities room to additional transit room. Proposed Change of use Unit 1 at Lorhiti Apartments to additional transit room for Lorhiti guests is required due to Covid19 regulations. The capacity of the current Transit room is only 4 people. There will be no increase in the total bed license count using Unit 1 as an alternative transit room
<b>Date from which Consent Applies</b>	16 December 2021
<b>Date in which Consent will Lapse</b>	16 December 2026

The application has been determined by granting consent subject to the following conditions of consent:

**CONDITIONS OF CONSENT**

That MDC2021.03.02 for minor amendments to approved Development Application No.2021.03 (dated: 06 July 2021) for *A Change of Use Unit 1 at Lorhiti Apartments From Tourist Accommodation to Additional Guest Transit Room. Decommission Unit 1*, at Lorhiti Lodge, Lot 2 DP 1261010, No. 78 Anderson Road, Lord Howe Island, be approved subject to the existing conditions of approval as amended by the following modified or new conditions:



WORLD HERITAGE AREA

**Delete condition 3 and replace with the following:**

**3. BCA Compliance**

The proposed change of use for Tourist Unit 1 will change the (BCA) Building Classification from the existing tourist unit - Class 3, to the proposed transit room being a Class 9b Assembly Building.

Before occupation of the building under the proposed new use, the applicant shall obtain and submit to the LHIB a copy of an Occupancy Certificate issued by a Private Certifying Authority (PCA) certifying that the building is suitable for occupancy as a Class 9b Assembly Building.

**Delete Condition 5 and replace with the following:**

**4. Tourist Unit Decommissioning**

The subject Unit 1 that is to be decommissioned from tourist accommodation use, shall only be used for the approved guest transit room and not any other use without the consent of the LHIB.

An inspection of the decommissioned tourist unit by appropriate LHIB Officer/s will be required to ensure the decommissioning of the tourist unit is done to the satisfaction of the Lord Howe Island Board prior to the issue of the occupation certificate/ commencement of the new use.

Reason: To ensure that the development is completed in accordance with the approval.

**Delete Condition 8 - Fire Safety**

**Delete Condition 13 and replace with the following:**

**13. Inspections**

During development works all inspections deemed required/ specified by the Principal Certifying Authority (PCA) shall be undertaken to the satisfaction of the PCA.

Reason: This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.

If you are dissatisfied with this determination you may have rights of appeal under the Environmental Planning and Assessment Act. These rights are set out below:

1. Section 8.9 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with the Lord Howe Island Board for a review of such determination. Any such review must however be lodged within 28 days from this determination. Should a review be contemplated sufficient time should be allowed for Lord Howe Island Board to undertake public notification and other processes involved in the review of the determination. See Section 8.9 (7) for details of determinations not subject to review under Section 8.9.

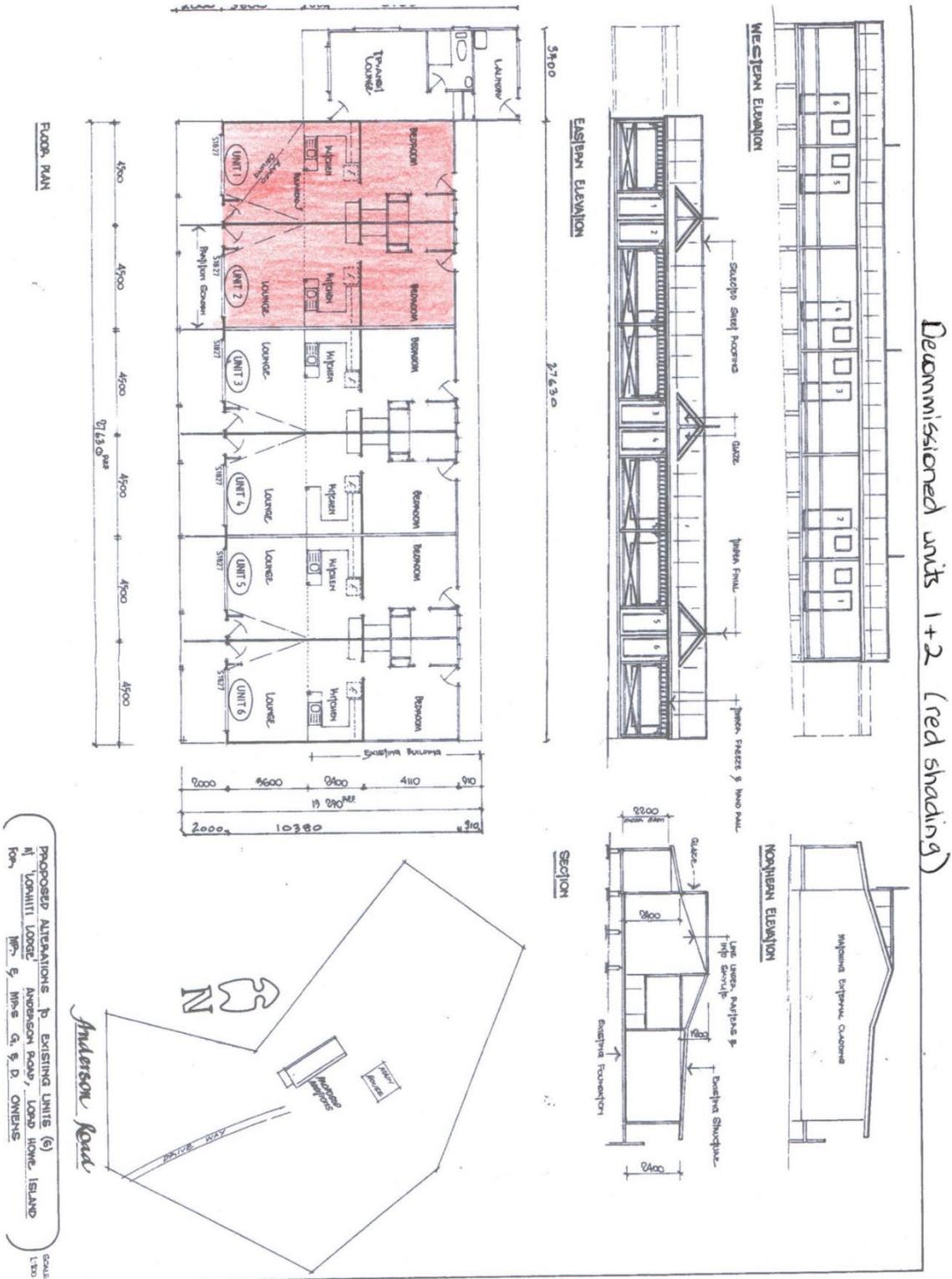
2. Part 8 (Appeals and Related Matters) of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court. 4. This Section 4.55 modification does not extend the lapsing date of the original development consent.

Should you require further clarification of this matter please contact Justin Sauvage on (02) 6563 2066 at your convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Suzie Christensen', with a long horizontal line extending to the right.

Suzie Christensen  
**CHIEF EXECUTIVE OFFICER**



(b) Lorhiti Apartments existing Tourist accommodation on **LOT 2 , DP1261010 (Fletcher Owens)** showing Transit Lounge and Unit 1 combined (approved guest transit lounge). Unit 2 proposed to be decommissioned with change of use from Class 3 to Class 9b assembly and conference room.

Diane Owens **LOT 1, DP1261010**

78 Anderson Road  
Lord Howe Island  
NSW 2898

Fletcher Owens **LOT 1, DP1261010**

78 Anderson Road  
Lord Howe Island  
NSW 2898

29 October 2022

Suzi Christensen  
Administration LHI Board- Lynda Shick  
CEO Lord Howe Island Board  
P.O. Box 5  
Lord Howe Island  
NSW 2898

**AUTORISATION FOR FLETCHER OWENS TO USE 2 (TWO) TOURIST LICENSES HELD IN THE NAME OF DIANE OWENS OPERATING FROM UNIT 2 AT LORHITI APARTMENTS ON LOT 1, DP1261010 UNTIL DIANE OWENS HAS APPROVAL TO CONSTRUCT AND FINALISED CONSTRUCTION OF A TOURIST APARTMENT ON LOT 1, DP1261010.**

I, Diane Owens, authorise Fletcher Owens to use my 2 (two) tourist licenses to operate from Unit 2 at Lorhiti Apartments, Lord Howe Island until I have finalised construction of tourist accommodation on my lease.

I, Fletcher Owens, request that I can use 2 (two) tourist licenses in the name of Diane Owens to operate from Unit 2 at Lorhiti Apartments, Lord Howe Island until Diane has finalised construction of tourist accommodation on her lease. At this time Unit 2 will be decommissioned in accordance with the submitted DA to Decommission unit 2.

Signed

Diane Owens 

Fletcher Owens 

Date 29 October 2022

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Telstra Mobile Phone Microcell and Tower

#### Recommendations

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1. **Approve** That management Investigate to potential for improved and networked wi-fi solutions, and explore a business model that could provide that.
2. **Approve** that management advises Downer, on behalf of Telstra, to demonstrate compliance with CASA, Air Services Australia and World Heritage requirements.
3. **Note** that Owners consent will not be approved until such time as the above have been met.

#### Current position

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The Lord Howe Island Board has received a proposal from Telstra to install a mobile phone microcell, funded through the blackspot program.

The tower is to be built on crown land, and as such, the Board's role is to determine whether or not to grant Owner's Consent.

At its September 2022 meeting, the Board requested management undertake effective consultation to inform its decision.

#### Consultation Summary

Consultation was conducted during October and November and a report developed (Attachment A).

In summary, residents of Lord Howe Island are protective of their unique way of life, and a majority wish to preserve that. Not being contactable is enjoyed by some tourists.

Those in favour of improved connectivity support that for business, safety and reliability reasons. Those people could be satisfied with improved wi-fi connectivity, which would be supported by the majority of respondents not in favour of the mobile phone microcell and tower as proposed.

Data gathered through the community consultation process, suggests that before approving Owners Consent the Lord Howe Island Board should:

- Investigate to potential for improved and networked wi-fi solutions, and explore a business model that could provide that
- Require Downer, on behalf of Telstra, to demonstrate compliance with CASA, Air Services Australia and World Heritage requirements.

## Attachments

Attachment	Title
A	Consultation Summary
B	Consultation data – Closed
C	Submissions – Closed
D	Community led mobile phone survey

## Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Suzie Christensen	Chief Executive Officer

# Mobile Phone Microcell Consultation Summary

## Background

The Lord Howe Island Board has received a proposal from Telstra to install a mobile phone microcell, funded through the blackspot program.

The tower is to be built on crown land, and as such, the Board's role is to determine whether or not to grant Owner's Consent.

At its September 2022 meeting, the Board requested management undertake effective consultation to inform its decision.

## Methodology

The methodology used mirrors that used for Development Applications and other Owner's consent determinations. The proposal was placed on the LHI website, and residents notified of the opportunity to make a submission via the Board's standard communication platform, the Householder. The householder is distributed electronically or in hard copy by previously advised preference of the recipient. They are also posted on noticeboard, and the invitation was extended via the local newspaper The Signal.

In addition, engaged local residents shared the Householder information via the LHI Community Facebook page, and conducted their own survey via Survey Monkey.

The submission period was open from xxx November until the 18<sup>th</sup> November.

## Results

39 Individual Submissions were received

16 of the 39 (**41%**) individual submissions were in favour of the proposal, and 23 (**59%**) against. 3 of those against are also included in the petition figures

46 people signed a petition against, stating:

I am opposed to the introduction of Telstra's mobile phone service because it will disturb the peace and tranquillity of the Island which is valued so much by residents and visitors. At least 8 of those against are also in the group of 46 who signed the petition have also responded to the survey.

131 Survey responses were received

90 of the 131 responses (68%) were not in favour.

Half didn't want to be identified, so we are unable to identify duplication across methods for those individuals.

Of the 131 Survey respondents, only 61 were happy to be identified, and 16 had completed either the online survey or made a formal submission as well.

The data indicates 135 uniquely identified persons who formally responded.

Most are residents, though some are tourists (petitioners) and some off-island persons who strangely identify with the island.

70 of those 135 (51%) are against the proposal.

There are a further 70 survey participants who may or may not be additional respondents, from a sample that polled 68% against

The 2021 census identified 368 adults as resident on Lord Howe, thus across the various methods of consultation around 30-35% have participated in the consultation, noting that some respondents were non-residents. That response rate is considered statistically relevant.

### What people said

People opposed to the installation on the basis of:

Lifestyle – 55/135 (40%)	85/130 (68%)
Tourism impact	93/130 (72%)

People in favour of the proposal on the basis of business advantages, safety and unreliable landlines. One argues for the proposal from a guest's point of view.

A majority of people who completed the survey disagreed that the proposed installation would improve emergency responses, and suggested the current radio service is adequate, and will continue to have much better coverage than the mobile phone service.

### Issues

Most people, including those on favour of the proposal, did not consider the coverage of a single tower adequate, and were not in favour of a service that didn't cover at least the settlement area.

Many people believed that the future of mobile phone service for Lord Howe would be better facilitated by increased wi-fi coverage, and offered alternative technology solutions and or the tower or towers being located in what they considered better locations.

### Constraints

One submission made a strong case for referring the proposal to CASA. Air Services Australia and suggested that an impact assessment may be required against the World Heritage status of the Island and surrounds. (\*NB. Downer was advised to seek these approvals but indicated that they would happen after the Owner's consent is granted)

## Summary

Residents of Lord Howe Island are protective of their unique way of life, and a majority wish to preserve that. Not being contactable is enjoyed by some tourists.

Those in favour of improved connectivity support that for business, safety and reliability reasons. Those people could be satisfied with improved wi-fi connectivity, which would be supported by the majority of respondents not in favour of the mobile phone microcell and tower as proposed.

Data gathered through the community consultation process, suggests that before approving Owners Consent the Lord Howe Island Board should:

- Investigate to potential for improved and networked wi-fi solutions, and explore a business model that could provide that
- Require Downer, on behalf of Telstra, to demonstrate compliance with CASA, Air Services Australia and World Heritage requirements.

## LHI Mobile Phone Service Community Survey

This is an independent community survey created to gather information from Lord Howe Island adult residents about the Telstra Blackspot-funded microcell installation.

The survey has been based off the Lord Howe Island Board Householder and Business paper September 2022. It is designed to be impartial and to capture the feelings of the community about mobile coverage.

The results in this survey will be presented to the Lord Howe Island Board members before the December Board meeting.

It was made clear this survey does not replace feedback by community members directly to the Lord Howe Island Board.

This survey was distributed via the LHI Community Facebook page, Post Office and physical copies handed out. This method confirmed that all submissions were Lord Howe Island community members.

Each submission had a name only for verifying purposes. Names of participants are not disclosed in this document.

This survey was not open to tourists or visitors.

This survey was only open to community members 18+. Only 1 submission per person.

All together there were 131 submissions.

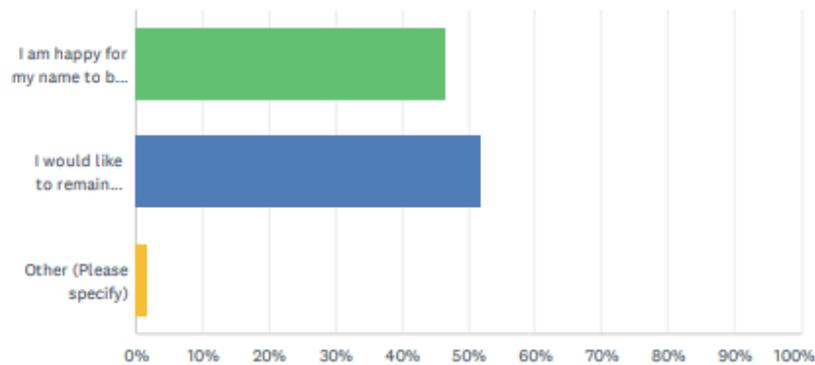
In the 2021 Census the LHI population was at 445 people. 77 were children under 18.

This survey represents the opinion of 35% of the LHI adult population.

\* 1 participant wished to retract/ change their submission (FOR the microcell installation to AGAINST) after the Community Meeting held at the Public Hall. This data could not be changed once submitted.

### Q2 How my comments/ information will be used

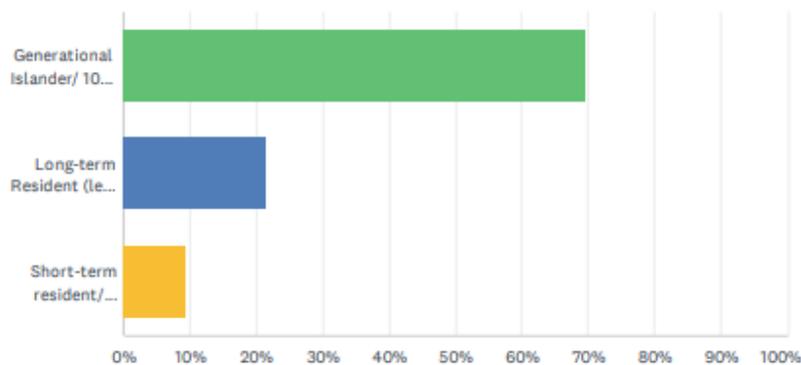
Answered: 131 Skipped: 0



ANSWER CHOICES	RESPONSES	
I am happy for my name to be mentioned (if applicable) in relation to my comments	46.56%	61
I would like to remain anonymous and only be used to contribute to percentages	51.91%	68
Other (Please specify)	1.53%	2
<b>TOTAL</b>		<b>131</b>

### Q3 What is your residency status on Lord Howe Island

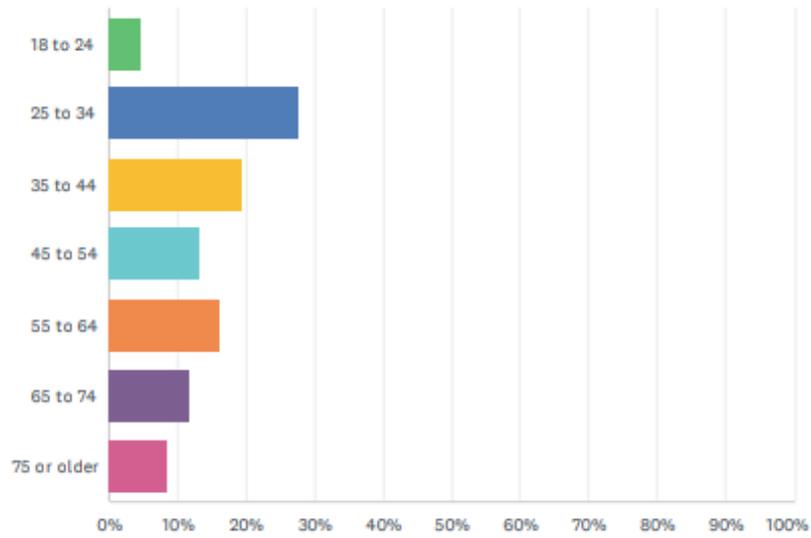
Answered: 131 Skipped: 0



ANSWER CHOICES	RESPONSES	
Generational Islander/ 10 year + Island Resident	69.47%	91
Long-term Resident (less than 10 years)	21.37%	28
Short-term resident/ Seasonal Staff	9.16%	12
<b>TOTAL</b>		<b>131</b>

### Q4 What is your age?

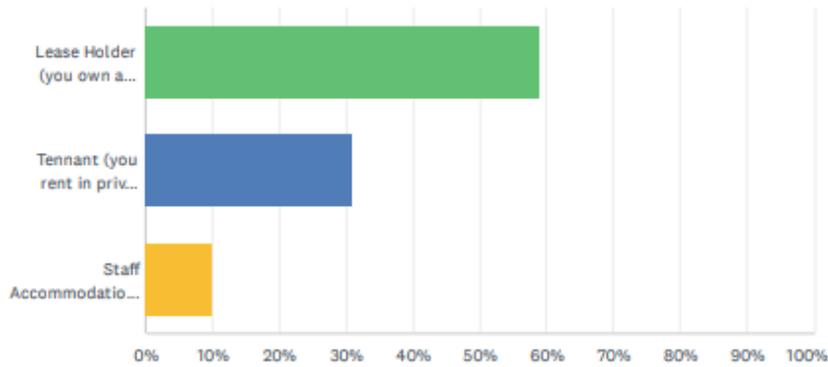
Answered: 131 Skipped: 0



ANSWER CHOICES	RESPONSES	
18 to 24	4.58%	6
25 to 34	27.48%	36
35 to 44	19.08%	25
45 to 54	12.98%	17
55 to 64	16.03%	21
65 to 74	11.45%	15
75 or older	8.40%	11
<b>TOTAL</b>		<b>131</b>

### Q5 Please tick which option best applies to you

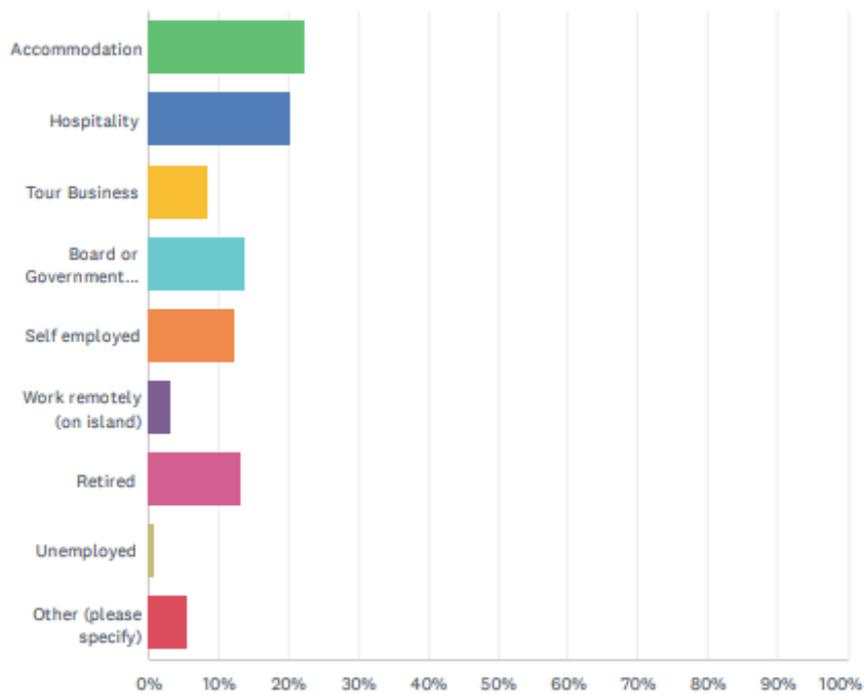
Answered: 129 Skipped: 2



ANSWER CHOICES	RESPONSES	
Lease Holder (you own a property on LHI)	58.91%	76
Tennant (you rent in private accommodation)	31.01%	40
Staff Accommodation (you live in staff accommodation/ government housing)	10.08%	13
<b>TOTAL</b>		<b>129</b>

### Q6 In what industry do you work on Lord Howe Island or tick which option best applies to you

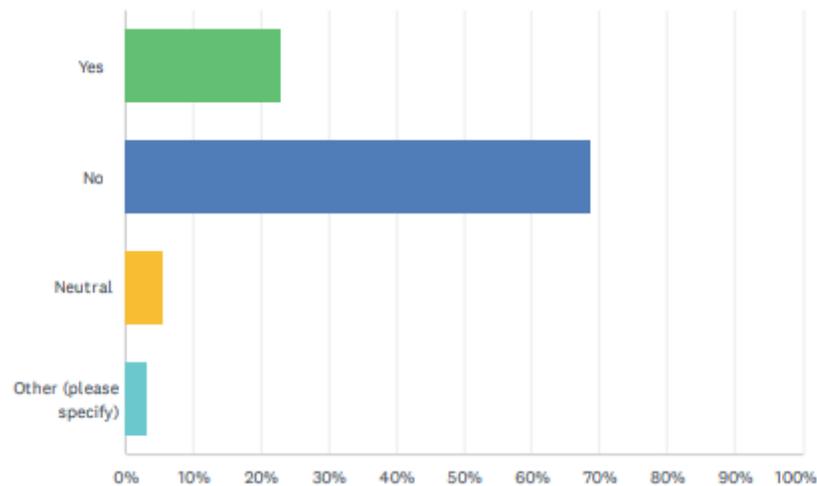
Answered: 129 Skipped: 2



ANSWER CHOICES	RESPONSES	
Accommodation	22.48%	29
Hospitality	20.16%	26
Tour Business	8.53%	11
Board or Government employee	13.95%	18
Self employed	12.40%	16
Work remotely (on island)	3.10%	4
Retired	13.18%	17
Unemployed	0.78%	1
Other (please specify)	5.43%	7
<b>TOTAL</b>		<b>129</b>

### Q7 Do you support the Telstra Blackspot-funded microcell installation?

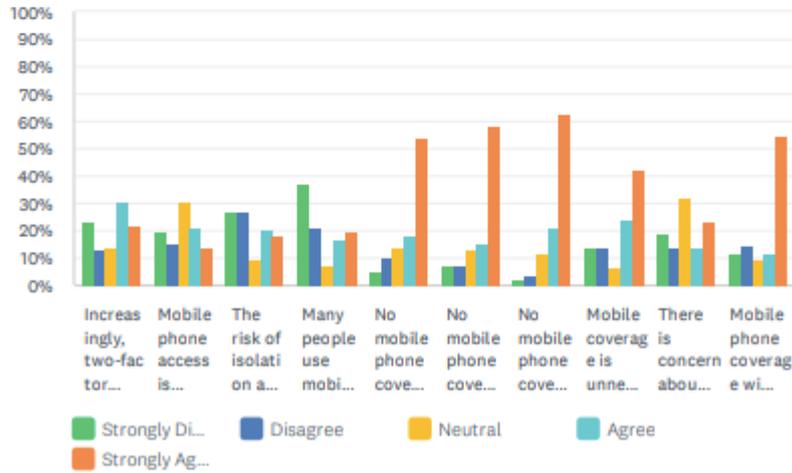
Answered: 131 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	22.90%	30
No	68.70%	90
Neutral	5.34%	7
Other (please specify)	3.05%	4
<b>TOTAL</b>		<b>131</b>

**Q8 It is recognised that a diverse range of views pertaining to mobile phone service on the island exist. Resources have not permitted broad consultation on the matter to date, however anecdotally they range from wholesale support and advocacy, to a strong preference for the service to remain unavailable. (please indicate how much you agree or disagree with each of these statements in relation to mobile phones on Lord Howe Island. Please tick one option per statement)**

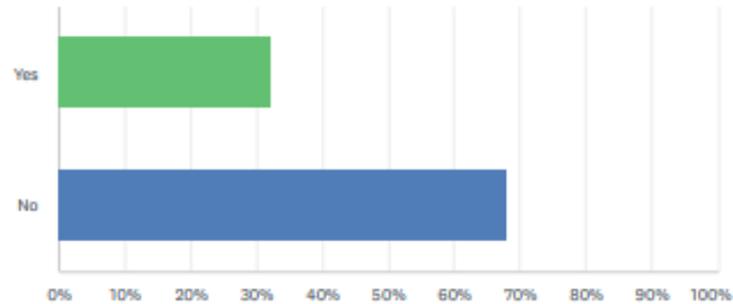
Answered: 130 Skipped: 1



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
Increasingly, two-factor authentication is required to access banking, government and other essential services	22.48% 29	12.40% 16	13.18% 17	30.23% 39	21.71% 28	129	2.84
Mobile phone access is assumed in health service, and enables the provision of these health services and products (eg. Pace-makers)	19.23% 25	15.38% 20	30.77% 40	20.77% 27	13.85% 18	130	3.05
The risk of isolation and to first responders in times of crisis and emergency (health, weather or otherwise) could be reduced if mobile phone service were available.	26.15% 34	26.92% 35	9.23% 12	20.00% 26	17.69% 23	130	3.24
Many people use mobile phones on island now, over wi-fi. The time of 'no mobiles' on LHI has actually passed already	36.92% 48	20.77% 27	6.92% 9	16.15% 21	19.23% 25	130	3.40
No mobile phone coverage is part of the island's tourism marketing and is one of the elements most tourists enjoy	4.62% 6	10.00% 13	13.85% 18	17.69% 23	53.85% 70	130	1.94
No mobile phone coverage encourages children to play outside and enjoy the environment	6.98% 9	6.98% 9	12.40% 16	15.50% 20	58.14% 75	129	1.89
No mobile phone coverage is enjoyed and preferred by some residents, particularly in restaurants and public places	2.31% 3	3.08% 4	11.54% 15	20.77% 27	62.31% 81	130	1.62
Mobile coverage is unnecessary, with radio technology adequate for emergency response and island wide communication	13.85% 18	13.85% 18	6.15% 8	23.85% 31	42.31% 55	130	2.33
There is concern about the health impacts of electro-magnetic radiation, particularly in close proximity to the site of transmission	18.46% 24	13.08% 17	31.54% 41	13.85% 18	23.08% 30	130	2.90
Mobile phone coverage will negatively impact Lord Howe Island's culture and way of life	10.85% 14	13.95% 18	9.30% 12	11.63% 15	54.26% 70	129	2.16

**Q9 Concern has also been registered that the proposed microcell will not cover the entire settlement area, resulting in dissatisfaction for those who will not achieve access to the service. Would you support the proposed service if it covered the entire settlement area?**

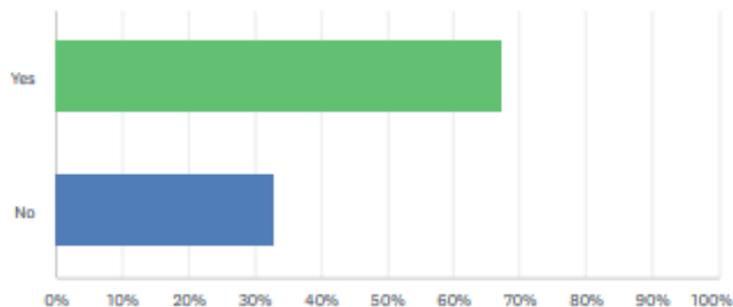
Answered: 131 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	32.06%	42
No	67.94%	89
<b>TOTAL</b>		<b>131</b>

**Q10 Would you like further information and consultation by the Lord Howe Island Board about this and other community matters**

Answered: 131 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	67.18%	88
No	32.82%	43
<b>TOTAL</b>		<b>131</b>